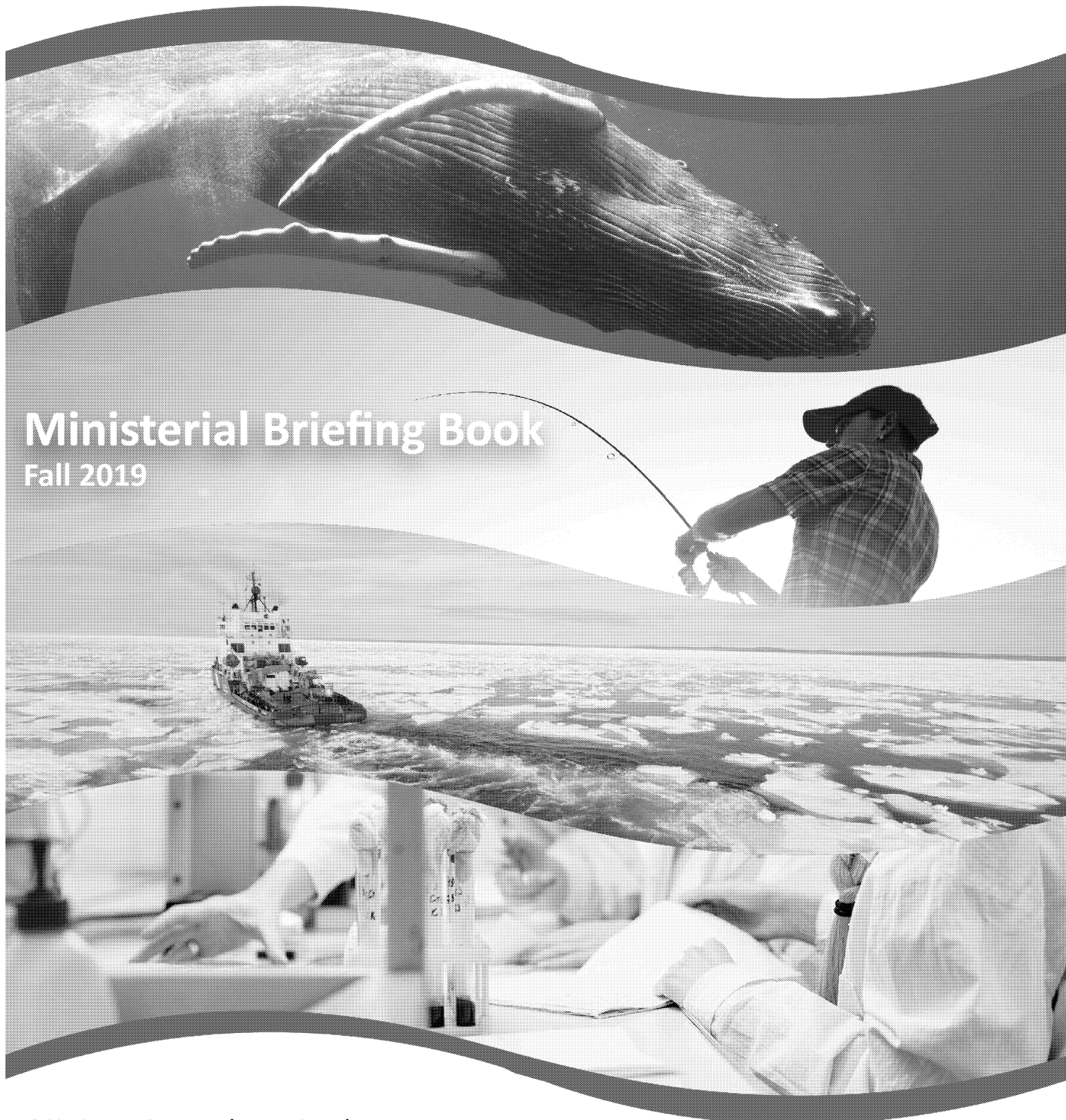




Fisheries and Oceans
Canada

Pêches et Océans
Canada



Ministerial Briefing Book

Fall 2019

Minister Bernadette Jordan
Deputy Minister Timothy Sargent

Canada

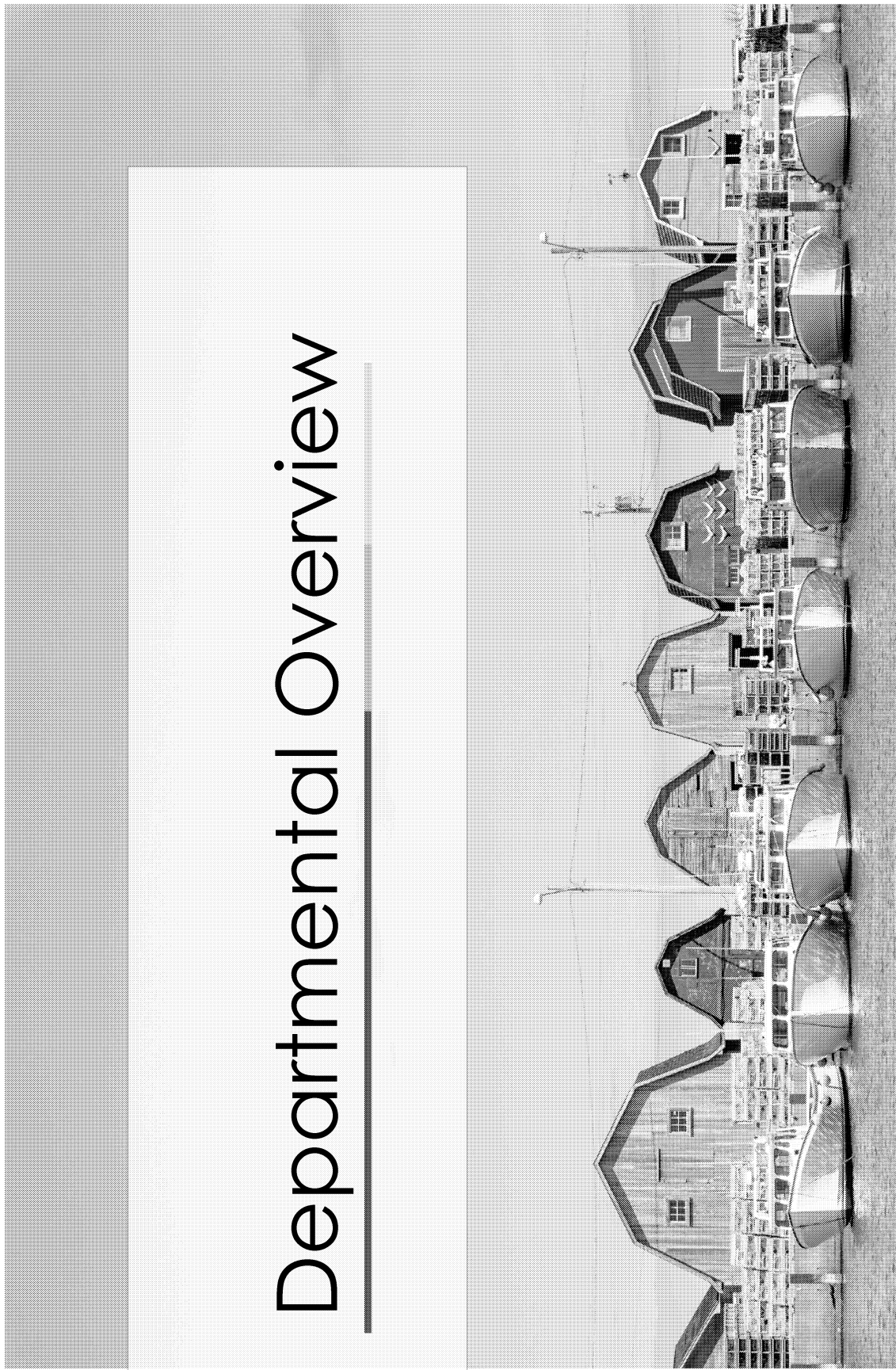
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Fisheries and Oceans
Canada Pêches et Océans
Canada

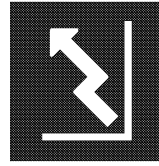
Departmental Overview



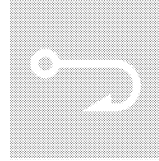
Canada

As Minister, you have a direct impact on the day-to-day lives of Canadians...

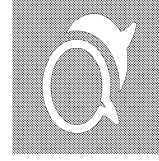
Your powers and responsibilities allow you to **make positive change and achieve meaningful results** that are felt across the country.



Enabling **sustainable growth** in the ocean economy



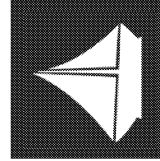
Supporting the **social and economic well-being** of Canada's coastal communities



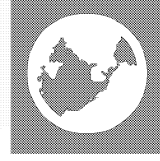
Strengthening **nation-to-nation relationships** with Indigenous peoples



Protecting the **long-term health** of aquatic environments and species

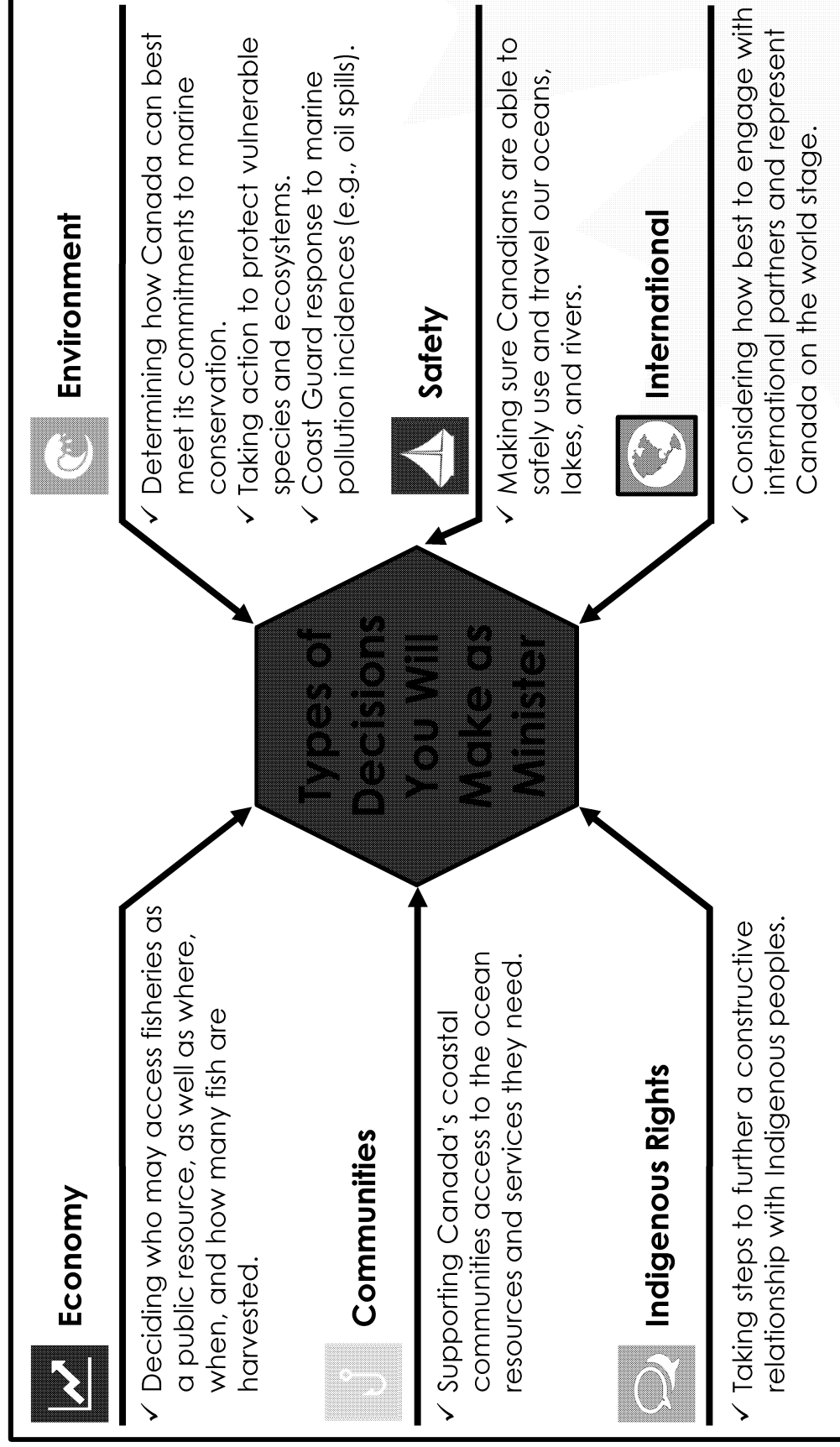


Ensuring **safety and aiding navigation** throughout Canada's waterways



Pursuing **international leadership** on fisheries and oceans

...and make key decisions on a broad range of Government priorities

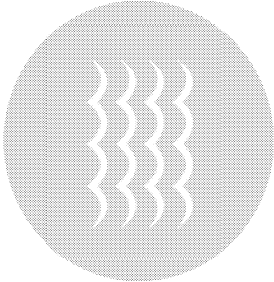


Your department delivers critical services to Canadians



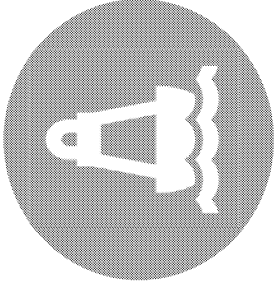
Fisheries

Ensure Canada's fisheries, including aquaculture, are protected, managed sustainably, and support Indigenous participation, and that our national network of harbours is open and in good repair.



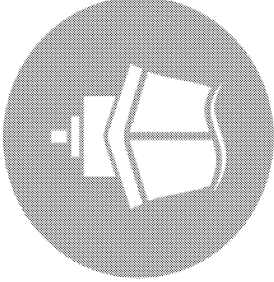
Aquatic Ecosystems

Protect our oceans, freshwater, and aquatic ecosystems and species from negative human impact and invasive species through sound science and in collaboration with Indigenous communities.



Marine navigation

Maintain waterways year round so they are safely navigable by mariners and all Canadians.

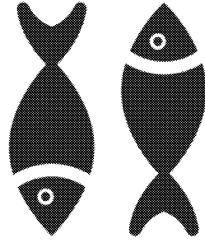


Marine operations and response

Respond to maritime incidents, such as search-and-rescue and environmental emergencies, through our Coast Guard fleet and in collaboration with Indigenous communities.

We are a highly operational and service-oriented department...

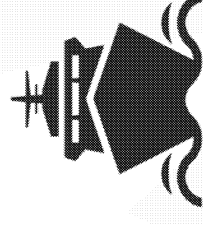
Fisheries and Oceans Canada



Day-to-day, DFO employees:

- ❖ Manage commercial, recreational and Indigenous fisheries;
- ❖ Provide frontline services to Canadians, such as issuing licences;
- ❖ Keep Canada's small craft harbours open and in good repair;
- ❖ Protect marine ecosystems, habitats, and aquatic species; and,
- ❖ Conduct marine science and research.
- ❖ Oversee the Freshwater Fish Marketing Corporation (FFMC), the Department's only Crown corporation.

The **Canadian Coast Guard** is a special operating agency within **Fisheries and Oceans Canada**



- Coast Guard personnel:
- ❖ Ensure safe water travel;
 - ❖ Engage in search and rescue;
 - ❖ Provide icebreaking services;
 - ❖ Respond to marine pollution incidents; and,
 - ❖ Support marine science and research

Canadian Coast Guard

...with a highly skilled workforce that is ready to deliver on our mandate



Close to
12,300 Employees

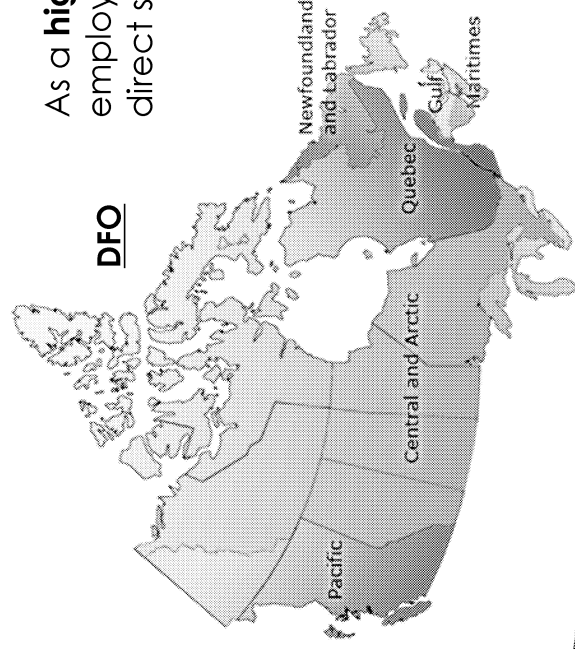
The Department includes nearly **12,300 employees**, of which approximately **6,000 are Coast Guard personnel**, across Canada.

Our day-to-day operations rely on a strong workforce with a wide range of skills and expertise, including:

- ❖ Fisheries officers
- ❖ Scientists
- ❖ Biologists
- ❖ Vessel crews
- ❖ Economists
- ❖ Analysts
- ❖ Surveyors
- ❖ Negotiators
- ❖ Search and rescue specialists
- ❖ Marine security advisors
- ❖ Environmental experts
- ❖ Hydrographers



We have a strong regional presence

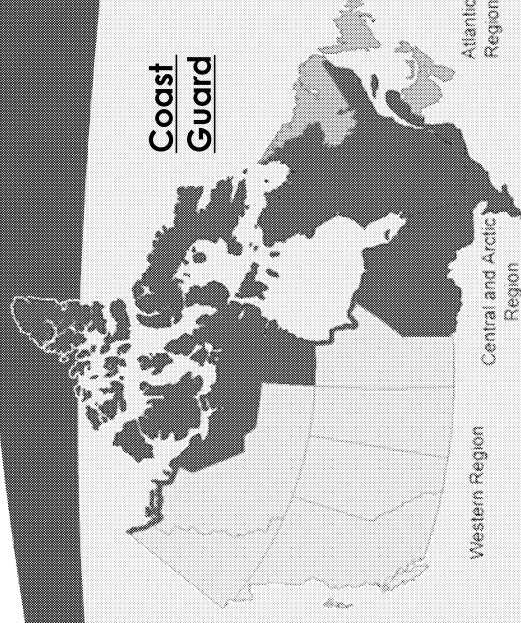


DFO

As a **highly operational** organization, **over 75 per cent** of our employees work outside the National Capital Region (NCR) to deliver direct services to Canadians.

With **over 350 work locations across the country**, frontline departmental staff are often the **main or only federal presence** in Canada's coastal communities.

In addition to the NCR, DFO is comprised of **seven** regions, with an additional **four** Coast Guard regions.

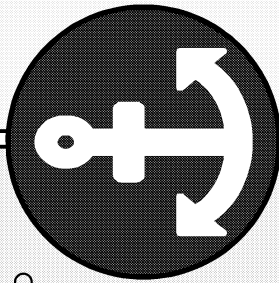


**Coast
Guard**

In 2018, DFO established new dedicated **Arctic Regions** to advance Indigenous reconciliation and to reflect the Arctic's growing economic and environmental importance to Canada.

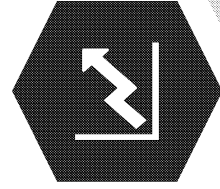
Note: boundaries for the new Arctic regions are being determined.

We manage major program investments and a substantial asset base

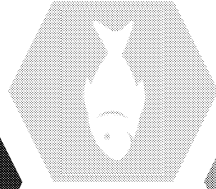
\$ Departmental Funding		Departmental Assets	
<ul style="list-style-type: none">❖ As a highly operational department, the majority of funding is allocated to operating and capital expenditures and grants and contributions.❖ Key initiatives such as the Oceans Protection Plan (OPP) have provided additional funding to support departmental priorities.		<ul style="list-style-type: none">❖ Our asset base is valued at \$44.6 billion, the second largest of any federal department.❖ We have one of the largest federal property portfolios, with over 85 per cent of capital budget investments in Coast Guard fleet, small craft harbours, and real property.	
			
Budgetary Planning		Core Responsibility	2019-20 Estimates
<ul style="list-style-type: none">❖ The 2019-20 main estimates forecast spending of nearly \$3 billion, with additional anticipated funding of approximately \$800 million*, in order to meet our core responsibilities, as well as provide internal services.		Marine Operations and Response	\$1.03 billion
		Fisheries	\$849 million
		Marine Navigation	\$328 million
		Aquatic Ecosystems	\$247 million
		Real Property	\$210 million
		Internal Services	\$177 million

Science plays a key role in supporting your decisions as Minister

- ❖ Science is front and centre at DFO, supporting every aspect of our mandate and contributing to evidence-based decision-making.



Sustainable development: a strong science and evidence-base supports the responsible use of ocean resources, including fisheries, aquaculture, and offshore development.



Conservation and protection: assessments of habitats, species at risk, aquatic invasive species, and other ecosystem factors informs policy, enhances programs, and supports marine protected areas.



Oceans management: scientific data supports ocean governance and marine spatial planning, and hydrographic services enable safe navigation through Canada's waterways.



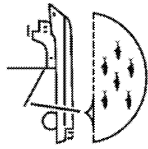
Environmental monitoring: scientific research and monitoring strengthens the Department's ability to address emerging environmental challenges, such as the impacts of climate change.

We engage with diverse stakeholders, partners, and other governments on key objectives

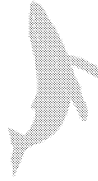
Fish Harvesters	Ensure fair access and allocation of fisheries resources to commercial harvesters; manage and administer licences; and, balance sustainability measures with positive economic outcomes.
Marine Sectors	Enable robust economic activity and trade via marine shipping and transport, marine safety, and aids to navigation; affirm Canada's position in global fish and seafood markets.
Indigenous Groups	Support expanded access to fisheries resources; provide greater agency and autonomy in decision-making; and, increase partnerships in ocean governance.
Provinces & Territories	Jointly manage freshwater fisheries, ecosystems, and waterways with provincial and territorial governments and work collaboratively to address important issues within their jurisdiction.
International Partners	Demonstrate Canadian leadership; promote Canada's international trade agenda; advance Canadian priorities for international fisheries; and, engage domestic stakeholders on international issues.
NGOs	Advance environmental conservation; strengthen protections for species at risk; enhance sustainability requirements for fisheries; build environmental response capacity.

Challenges you may face as Minister

Over the course of the Government's mandate, you will be faced with a number of challenging decisions. Questions you may need to consider will encompass a range of priorities from across the Department, for example:



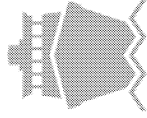
Managing fisheries: how to ensure equitable access and allocation of fisheries resources?



Species at risk: how to best position the Department to protect vulnerable aquatic species at risk?



Marine conservation: how will the Department advance commitments to domestic and international conservation targets?



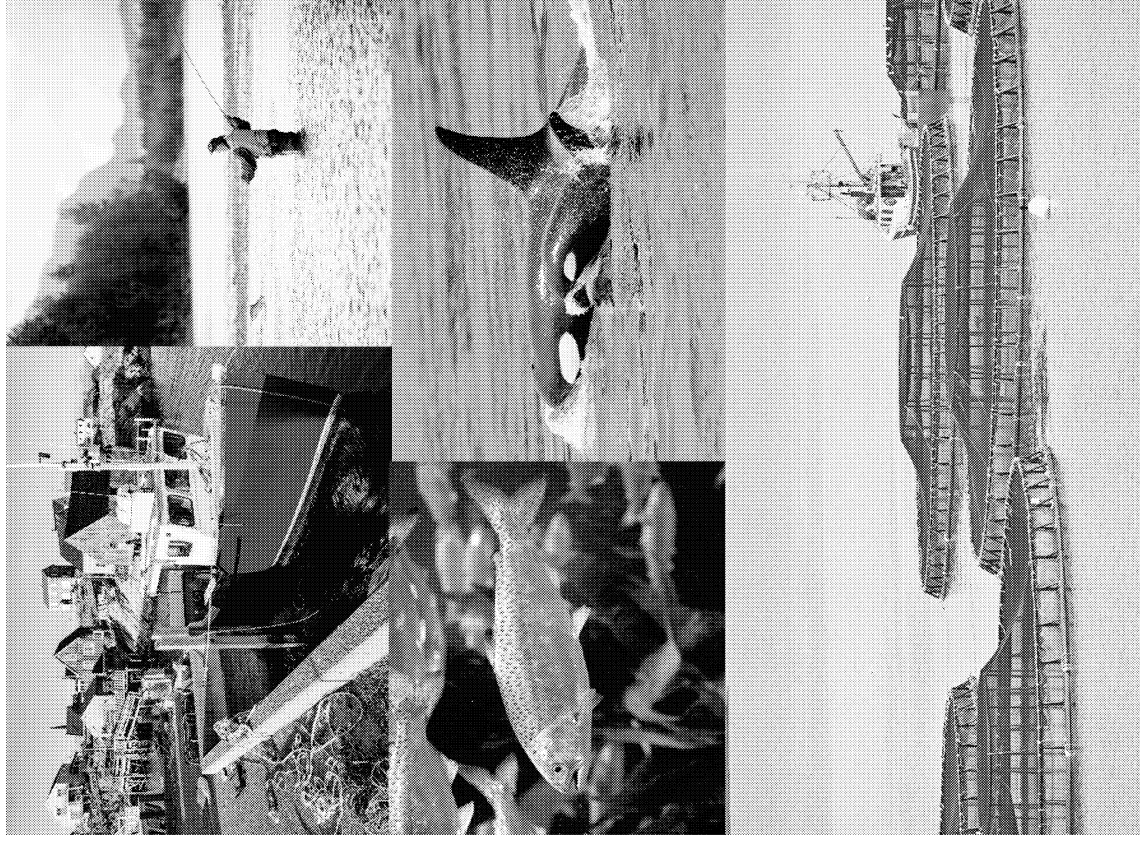
Fleet renewal: how to ensure the ongoing procurement of Coast Guard vessels meets long-term operational requirements?



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fisheries and Oceans Canada Programs

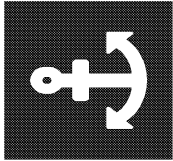


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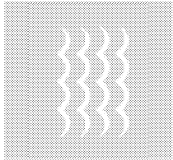
Program Delivery at DFO

- 1** DFO is a highly operational and science-based department focused on the frontline delivery of important programs and services to Canadians.
- 2** Our programs cover a broad range of Government of Canada priorities, from supporting the commercial fishery and economies of coastal communities, to conserving and protecting Canada's aquatic ecosystems and species.
- 3** We deliver our programs on all three coasts and across Canada, with our strong regional presence maintaining a direct point of contact with the citizens and communities we serve.
- 4** We work closely with a broad range of stakeholders to ensure our programs are meeting the needs of Canadians. Continuous engagement with fishers, industry, Indigenous groups, our provincial, territorial, and international partners, and others enables the Department to develop a suite of programs that best aligns federal priorities with those of our stakeholders.

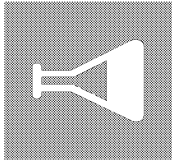
Key Program Areas

**Fisheries and Harbour Management**

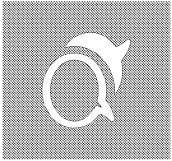
- ❖ Fisheries Resource Management
- ❖ Canada's Fisheries Funds
- ❖ Small Craft Harbours
- ❖ Conservation and Protection
- ❖ Indigenous Programs and Treaties

**Aquatic Ecosystems**

- ❖ Oceans Management
- ❖ Fish and Fish Habitat Protection
- ❖ Species at Risk
- ❖ Aquatic Invasive Species

**Ecosystems and Ocean Science**

- ❖ Fisheries and Aquaculture Science
- ❖ Oceans and Climate Change Science
- ❖ Canadian Hydrographic Service

**Strategic Policy**

- ❖ Aquaculture Management
- ❖ Intergovernmental Affairs
- ❖ International Affairs

Fisheries Resource Management



Budget: \$147.8M



FTEs: 536

- ❖ The **Fisheries Act** provides Ministerial authority to regulate commercial, recreational, and Indigenous fisheries across Canada.
- ❖ The Fisheries Resource Management program implements measures to **sustainably manage and regulate** Canada's fisheries, and provide **allocation and distribution** of resources to harvesters.
- ❖ The program works to **ensure that Indigenous and Treaty fishing rights are fulfilled**, and **support the local economies** of both Indigenous and non-Indigenous coastal communities that rely on the fishery.
- ❖ The Department also represents Canada on **international fisheries management issues**, the objective of which is to ensure the sustainability of internationally managed resources and benefits to Canadians accessing these resources.

Key Issues:



Access and Allocation: the program continues to work toward fair and equitable access and allocation of fisheries resources for harvesters while ensuring the long-term health of fish stocks and fish habitats.



Impacts of Climate Change: unprecedented shifts in resource abundance and species distribution due to climate change will be an important consideration for fisheries management decisions in order to ensure the sustainability of our fisheries resources.

Canada's Fisheries Funds

\$ Budget: \$88.5M per year
(consolidated) **FTEs:** 28



- ❖ **Canada's fisheries funds** support sustainable development of the fish and seafood sector. They include cost-shared projects comprised of 70 per cent federal funding and 30 per cent provincial / territorial funding (P/T), and focus on three areas: innovation; infrastructure; and, science partnerships.
- ❖ **Canadian Fish and Seafood Opportunities Fund** – the national marketing pillar of the Atlantic Fisheries Fund will invest \$42.85 million over seven years to advance national cross-cutting market access issues and branding opportunities to maximise the value of the fish and seafood sector.
- ❖ **Atlantic Fisheries Fund** – investing \$400 million over seven years.
- ❖ **Quebec Fisheries Fund** – investing over \$42.8 million over five years.
- ❖ **British Columbia Salmon Restoration and Innovation Fund** – investing up to \$142.85 million over five years.

Key Issues:



Sustainable development: ensuring Canada's fish and seafood sector develops in the most innovative and sustainable manner to take advantage of opportunities in the global marketplace. In BC, significant interest in contributions to overall improvements for Pacific salmon stocks and habitat.



P/T collaboration: the Fisheries Funds, including the nationally-accessible Canadian Fish and Seafood Opportunities Fund, require a balancing of funding priorities with P/T partners as significant industry uptake must be considered against availability of funding resources.

Small Craft Harbours

\$ Budget: \$278.2M



FTEs: 208

- ❖ The Small Craft Harbours program keeps harbours that are important to the economies of coastal communities open and in good repair. These include **688 core fishing harbours** essential to the commercial fishing industry, and **315 non-core harbours** that have low fishing activity or principally serve recreational activities.
- ❖ In many coastal communities, fishing activities dependent on local small craft harbours are the major source of employment; **over 90 per cent** of all commercial landings are at DFO-owned harbours.
- ❖ While the core mandate of the program is commercial fisheries, **support is also provided to many other maritime industries**, including fish processing, transportation, commercial recreational operations, aquaculture, and tourism.
- ❖ Small craft harbours are managed by **Harbour Authorities**, local not-for-profit organizations representing the interests of both commercial fish harvesters and the broader community.

Key Issues:

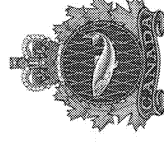


Infrastructure Requirements: anticipating the evolving needs of the commercial fishing industry and ensuring the right infrastructure is in place to fully capitalize on available economic opportunities.



Increasing User Demand: managing increasing usage from the aquaculture sector and the drive to expand some sites in order to accommodate and drive growth in the marine sector as a whole.

Conservation and Protection



\$ Budget: \$137.2M



FTEs: 861

- ❖ National enforcement program designed to conserve and protect Canada's fisheries, waterways, species at risk, aquatic ecosystems, and resources from unlawful exploitation.
- ❖ DFO maintains a network of **fishery officers** that enforce federal laws and regulations by:
 1. Monitoring fishing activities throughout Canadian as well as international waters;
 2. Minimizing fraud and collusion in the fishing industry; and,
 3. Combating illegal, unreported, and unregulated fishing.
- ❖ Fishery officers are at the **frontline** of DFO operations and are often the only federal presence in many coastal communities. A total of **680 fishery officers** are stationed in 106 locations across the regions.
- ❖ The Conservation and Protection program includes the National Fisheries Intelligence Service, Enforcement Operations, and Program and Operational Readiness.

Key Issues:



Enforcement Consistency: a move toward the expanded use of ticketing for minor fisheries violations, rather than formal charges, and ensuring consistency of enforcement from region to region.



Modern Tools: the integration of modern investigative tools, such as digital forensics, to enhance the ability of enforcement officers to address and deter instances of non-compliance.

Indigenous Programs and Treaties

\$ Budget: \$447.0M



FTEs: 255

- ❖ DFO's suite of Indigenous programs advance reconciliation by **supporting Indigenous participation** in the commercial fishery, as well as the use of fish resources for food, social and ceremonial purposes.
- ❖ Through the **Atlantic, Pacific, and Northern Integrated Commercial Fisheries Initiatives**, DFO provides Indigenous commercial fisheries access, business management capacity, and training to build self-sustaining Indigenous-owned commercial fishing enterprises.
- ❖ These programs are important drivers for economic development and self-sufficiency for Indigenous groups, and support an Indigenous commercial fisheries that **employs 2,800 Indigenous fishers** and generates **annual gross revenues of over \$200M**.
- ❖ The Reconciliation Negotiation and Implementation program supports **treaty and non-treaty negotiations** and implementation on fisheries issues with Indigenous Nations across Canada.
- ❖ Treaty and reconciliation negotiations and implementation activities are administered across Canada and there are currently **55 active negotiation tables**.

Key Issues:



Co-management: the Department is continuing to expand co-development, co-design, and co-delivery structures for programs delivered to Indigenous groups.



Reconciliation: heightened expectations with respect to fisheries access, allocation, and governance.

Oceans Management



Budget: \$31.3M



FTEs: 209

- ❖ **Integrated oceans management** is undertaken through a variety of **evidence-based** activities that provide governance mechanisms, data, and information to support decision-making and implementation of management tools, including:
 - ❑ **Marine spatial planning (MSP)**, including the development of conservation networks;
 - ❑ Establishment and management of Oceans Act **marine protected areas** (MPAs) and other effective area-based conservation measures (e.g., marine refuges); and,
 - ❑ Development of **marine environmental quality objectives**, criteria, guidelines and standards to protect marine species, habitats and ecosystems.
- ❖ The program collaborates with provinces, territories, Indigenous groups and organizations, and other stakeholders to better co-manage our oceans.

Key Issues:



Conservation Targets: as a party to the United Nations Convention on Biological Diversity, an agreement on post-2020 marine conservation targets will have implications for Canada's domestic and international targets.



Collaborative Governance: MSP is increasingly recognized and advanced as a way to better govern the use of our oceans in collaboration with provinces, territories, and Indigenous peoples.

Fish and Fish Habitat Protection



Budget: \$97.1M



FTEs: 593

- ❖ The Fish and Fish Habitat Protection Program (FFHPP) implements **protection and conservation measures** in accordance with the *Fisheries Act*, and undertakes work in four key areas: 1) regulatory review; 2) reporting to Canadians; 3) integrated planning; and, 4) engagement and partnering.
- ❖ The FFHPP **regulates projects in or near water** to reduce negative impacts on Canada's aquatic ecosystems resulting from development pressures.
- ❖ A key part of this work is to authorize proposed projects that might impact Canada's aquatic ecosystems. The program also supports the review of major projects as required under **federal and northern impact assessment regimes**.
- ❖ The FFHPP oversees various grants and contributions programs that **support stakeholder-led efforts** to protect and conserve fish and fish habitat.

Key Issues:



Fisheries Act Implementation: the FFHPP is undergoing revitalization to implement the new *Fisheries Act*. This includes training staff, undertaking policy and regulatory development, and engaging with partners and stakeholders.



Impact Assessment Act: the FFHPP is working collaboratively with the Impact Assessment Agency of Canada to fulfill responsibilities under the *Impact Assessment Act* as it pertains to its role in major project reviews.

Species at Risk

\$ Budget: \$41.7M



FTEs: 161

- ❖ The Species at Risk Program (SARP) works to implement the Species at Risk Act (SARA) to:
 - ❑ Prevent aquatic wildlife species from being extirpated in Canada or becoming extinct;
 - ❑ Provide for the **recovery of wildlife species** that are extirpated, endangered or threatened as a result of human activity; and,
 - ❑ Manage species of special concern to prevent them from becoming endangered or threatened.
- ❖ SARP works with partners **to improve the integrity, health, and productivity** of aquatic ecosystems. An evidence-based approach informed by scientific research, social and economic research, and stakeholder and community views, informs listing decisions and recovery measures.
- ❖ SARA is **administered by three federal departments**: DFO (aquatic species); Parks Canada (species found in or on federal lands); and, Environment and Climate Change Canada (all other species, and responsible for overall administration of SARA).

Key Issues:



Decision-Making: SARA is restrictive and prescriptive in terms of timelines, processes, and decision-making, which leads to challenges in meeting legal deadlines.



Implementation of SARP: high level of complexity in implementing SARP due to multi-region, multi-stakeholder environment where achieving success is largely dependent on the dedication of significant resources by multiple jurisdictions and parties.

Aquatic Invasive Species

\$ Budget: \$15.8M



FTEs: 83

- ❖ DFO's Aquatic Invasive Species (AIS) program aims to **protect Canadian marine and freshwater ecosystems** from the introduction and spread of AIS, and to mitigate the negative impacts of established invasive species for the benefit of Canada's biodiversity, economy, and society.
- ❖ The AIS regulations came into force in 2015 under the *Fisheries Act* to provide tools for federal, provincial, and territorial action and partnership in addressing AIS. **The key pillars, in priority, of addressing AIS are: 1) prevention; 2) surveillance/early detection; 3) response; and, 4) control/management.**
- ❖ The AIS National Core Program implements the AIS regulations in Canadian waters, acting on sound science and other advice, and reports nationally on AIS activities.
- ❖ Examples of AIS include but are not limited to: zebra mussels; Asian carp; sea lampreys; and, European green crab. The program aims to **manage pathways and vectors of introduction and spread** rather than individual species, as this approach has proven both more efficient and effective.

Key Issues:

 **Growing threat:** the number of invasive species worldwide is rising due to increasing international trade, travel, and climate change, among other drivers.

 **High Impact:** after habitat loss, invasive species are among the next leading threats to biodiversity and the Department will be challenged to risk manage the potential impact to Canada.

Fisheries and Aquaculture Science

\$ Budget: \$174.1M



FTEs: 778

- ❖ Science programs contribute to the Department's mandate to **sustainably manage fisheries and aquaculture**, and provide science advice in alignment with DFO's Sustainable Fisheries Framework and the Framework for Aquaculture Risk Management.
- ❖ The Fisheries Science program is responsible for the **monitoring, data collection, and research that supports sustainability in Canada's fisheries**, including fish stock assessments.
- ❖ Aquaculture Science pursues research and risk assessments **to better understand aquaculture processes and assess the impacts of aquaculture sites on the surrounding environment**.
- ❖ In addition, the Marine Mammal Science program supports the implementation of the Species at Risk Act and the Fisheries Act through **research and data on marine mammal populations, their habitat, biology, abundance, distribution, and threats**.

Key Issues:



Demand for Science Advice: ensuring capacity to accommodate increasing demand for science-based analysis and advice.



Environmental Uncertainty: a growing need to provide risk-based science advice that takes into account uncertainty associated with changing environmental conditions and incorporates ecosystem considerations.

Aquatic Ecosystem Science

\$ Budget: \$73.1M



FTEs: 424

- ❖ Aquatic Ecosystem Science contributes to **evidence-based decision-making** that ensures ecosystems are productive and negative impacts are avoided or minimized.
- ❖ Science programs **support integrated oceans management** and fish and fish habitat protection, including providing science advice to advance Marine Spatial Planning, marine conservation and resource development projects.
- ❖ Science supports oil-spill planning and response by identifying **sensitive species and habitats**, and by **studying fate behavior** and biological effects of oil.
- ❖ Science Enterprise Centres in Atlantic (Moncton) and Pacific (Vancouver) are **leveraging external partnerships to deliver stronger science outcomes**. Public engagement activities are also connecting science to communities.

Key Issues:



Science Advice: DFO uses a unique to government, peer review process to generate its science advice. All advice is published on-line as part of this process.



Cumulative Effects: a growing need to consider effects of multiple activities in ecosystems that are also undergoing climate-related changes.

Oceans and Climate Change Science

\$ Budget: \$11.7M



FTEs: 157

- ❖ DFO assesses the **impacts of climate change on Canada's oceans**, such as rising sea levels, higher ocean temperatures, and ocean acidification, through oceanographic monitoring and targeted research.
- ❖ The objectives are to **enhance the scientific knowledge and understanding** of the risks, vulnerabilities, impacts, and opportunities presented by climate change, as well as to **integrate climate change considerations into decision-making**.
- ❖ DFO partners with stakeholders and Indigenous communities to understand coastal and other aquatic ecosystems. This information is the foundation for both adaptation efforts as well as tools that will allow communities to better access our data.
- ❖ DFO Science publishes the annual "State of Canada's Ocean" reports so that **Canadians are more informed on the current and future state of our three oceans**. The ongoing reporting cycle focuses on one ocean each year, followed by a National report. The most recent report, the State of the Atlantic Ocean, was published in 2018.

Key Issues:



Adaptation and Resilience: climate change considerations will be an important part of decision-making going forward in order to adapt and be resilient to impacts on Canada's ocean environment.



Migratory Patterns: increasing incidences of aquatic species, migrating or using different geographic areas due to a changing environment.

Canadian Hydrographic Service

\$ Budget: \$49.4M



FTEs: 324

- ❖ The Canadian Hydrographic Service (CHS) contributes to safety in Canada's waterways by undertaking hydrographic surveys, often supported by Canadian Coast Guard vessels, **to measure, describe, and chart the physical features of Canada's oceans and navigable inland waters.**
- ❖ **CHS produces nautical charts and other navigational products;** monitors tides and water levels to detect and predict coastal natural hazards; conducts ocean and freshwater mapping; and, works to determine Canada's maritime boundaries and sovereignty.
- ❖ As Canada's hydrographic authority, **CHS uses the data it collects to produce up-to-date, timely, and accurate information** for use by domestic and international mariners, such as commercial shippers, recreational boaters, and fishers, as well as to support Canada's defence and maritime security.
- ❖ In addition, **hydrographic information is used in a number of applications** in engineering, ocean and climate change research, ocean management, ecosystem science, marine conservation and protection, and in the renewable and non-renewable energy sectors (e.g., oil, gas, and mineral exploration).

Key Issues:



Digital Transformation: with increasing demand for real-time information and services, CHS is transitioning to provide more accessible, web-based data and electronic charts to meet the needs of a wide array of users.



Arctic Data Collection: collecting hydrographic data in the Arctic poses a challenge due to its size and harsh conditions, but will become increasingly important as the expansion of the navigation season sees more ships travelling through the region.

Aquaculture Management

\$ Budget: \$16.0M



FTEs: 97

- ❖ DFO delivers the Sustainable Aquaculture Program (SAP) to support the **environmental, economic and social sustainability** of the aquaculture sector in Canada.
- ❖ The SAP provides funding for regulatory science, regulatory reform and governance, and improved public reporting on the environmental and economic performance of the sector.
- ❖ The SAP is implemented in **partnership with other federal departments** to create the optimal conditions for science-based sustainable management. DFO also works **collaboratively with stakeholders**, including industry, provinces, territories, Indigenous groups, and others to ensure the long-term success of the sector.
- ❖ Two other programs, the **Fisheries and Aquaculture Clean Technology Adoption Program** and the **Canadian Shellfish Sanitation Program** (jointly administered with the Canadian Food Inspection Agency and Environment and Climate Change Canada) also support sustainable aquaculture in Canada.

Key Issues:



Aquaculture Act and General Aquaculture Regulation: commitment to develop new aquaculture legislation and associated regulation that would consolidate all aquaculture-related regulatory provisions under the *Fisheries Act* into a single comprehensive regulation.



New Way Forward: announcement in December 2018 of a new way forward for aquaculture management and protection of wild salmon, including a study on alternative technologies and the development of a framework for aquaculture risk management.

Intergovernmental Affairs



Budget: \$2.3M



FTEs: 11

- ❖ Strategic Policy coordinates **DFO's federal-provincial-territorial (F-P/T) engagement** and provides advice to the Minister on managing important relationships with other orders of government.
- ❖ **The Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) is the Department's primary F-P/T forum**, with IGA serving as the secretariat and leading all aspects of logistics and strategic advice for Minister and Deputy Minister-level CCFAM meetings.
- ❖ **Strategic Policy coordinates National Indigenous Organizations (NIOs) meetings** with the Minister in conjunction with CCFAM. Meetings with Indigenous leaders strengthen engagement and contribute to advancing the nation-to-nation, Crown-Indigenous relationship.
- ❖ Strategic Policy provides **arm's length oversight of DFO's only Crown corporation**, the Freshwater Fish Marketing Corporation (FFMC), and is supporting a transformation process to modernize the corporation.
- ❖ DFO sectors, programs, and regions also liaise with their P/T counterparts; however, **IGA provides a national and whole-of-department perspective**.

Key Issues:



Scope of CCFAM: there is P/T interest to discuss issues at CCFAM beyond the scope of its current tables. This will provide the Department an opportunity to ensure continued alignment on shared priorities. In addition, NIOs are seeking greater say and have submitted requests to formally join the CCFAM forum.



FFMC Transformation: options on a harvester-led model are being explored with the freshwater fishing industry and other partners. Timely consensus will be integral to a successful transformation process.

International Affairs

\$ Budget: \$11.0M



FTEs: 45

- ❖ International engagement at DFO involves **working with global partners**, including other governments and multilateral organizations, **to advance shared issues related to fisheries, fish and seafood trade, oceans governance, and the Arctic**. DFO also supports the Prime Ministerial/Ministerial participation in international oceans and fisheries fora.
- ❖ DFO is involved in **engagement with multilateral organizations**, such as the United Nations, the Food and Agriculture Organisation, the Convention on Biological Diversity, the Arctic Council, and the High Level Panel for a Sustainable Ocean Economy (DFO supports the Prime Minister's participation).
- ❖ DFO also contributes to **a stable international trade regime** for Canadian fish and seafood products.
- ❖ DFO engages in World Trade Organisation (WTO) **negotiations on fisheries subsidies**; works with international organizations on **research and cooperation on fish and seafood trade**; and manages the Certification and Market Access Program for Seals.

Key Issues:



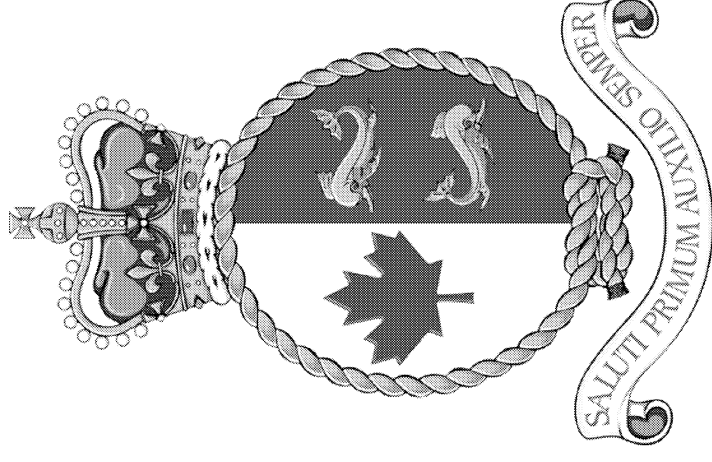
International Leadership: maintaining and growing Canada's international leadership, including supporting the Prime Minister's membership on the High Level Panel for a Sustainable Blue Economy.



Trade and Market Access: ensuring Canada's interests with respect to fisheries subsidies and trade is well represented at the WTO, and promoting expanded market opportunities for Canadian exporters.

Canadian Coast Guard Overview and Programs

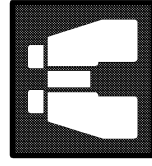
Safety First, Service Always



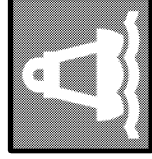
What We Do

- ❑ Coast Guard is the lead federal agency responsible for **ensuring marine safety throughout Canadian waters**, including engaging in search and rescue operations.
- ❑ Coast Guard supports Canada's ocean economy by enabling: **the safe and efficient flow of \$251B in marine trade**; the handling of more than **342M tonnes of critical goods**; and, **supporting tens of thousands of jobs** across Canada.
- ❑ In recognition of its specific mandate, Coast Guard was established as a **Special Operating Agency (SOA)** within Fisheries and Oceans Canada in 2005.

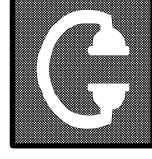
Coast Guard's mandate is derived from the *Oceans Act* and the *Canada Shipping Act, 2001*, giving Coast Guard the authority to provide essential services.



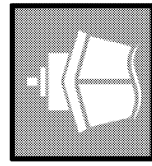
Marine Search
and Rescue



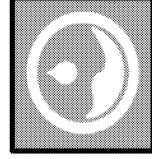
Marine
Navigation



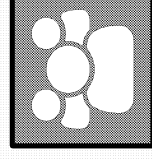
Marine
Communications
and Traffic
Management



Icebreaking and
Ice-management

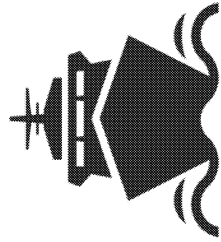


Marine Pollution
Response



Support to Other
Government
Organizations

From Coast to Coast to Coast



- ❑ Coast Guard's responsibility covers **243,000 km of Canada's coastline**, the longest in the world.
- ❑ Our vessels and aircraft operate over approximately **5.3 million km² of ocean and inland waters**.
- ❑ Approximately **6,000 employees**, with 81% working outside of the National Capital Region.
- ❑ **Canadian Coast Guard College** in Sydney, NS grants degrees to Navigation and Engineering Officer graduates, and provides training in marine safety, security, and environmental protection.

On an average day, the Coast Guard:

- ✓ Coordinates 19 search and rescue incidents
- ✓ Assists 43 people in search and rescue responses
- ✓ Saves 13 lives through on water-water response
- ✓ Manages 1,100 vessel movements
- ✓ Carries out 11 fisheries patrols
- ✓ Supports 11 scientific surveys
- ✓ Deals with 3 pollution events
- ✓ Surveys 3.5 km of navigation channel bottom

Coast Guard Regions

Western: 1,164 FTEs

7 Operational Bases
13 SAR Stations
4 seasonal IRB Stations
5 Staffed ER Depots
2 MCTS Centres
1 JRCC
1 ROC

3,856 Aids to Navigation
27 Staffed Lightstations

A new Arctic Region was announced on Oct. 24, 2018 (Engagement and implementation in process)

117 Vessels 22 Helicopters

26 x Large Vessels
41 x Small Vessels
46 x SAR Lifeboats
4 x Air Cushion Vehicles
22 x Helicopters

(as of 27/08/2019)

* In addition, the fleet is supplemented by two leased Emergency Offshore Towing Vessels on the West Coast, and three icebreakers, to backfill while existing large ships undergo refits.

CENTRAL AND ARCTIC

WESTERN

NCR: 713 FTEs

Central and Arctic: 1,370 FTEs

11 Operational Bases
15 SAR Stations
13 Seasonal IRB Stations

4 Staffed ER Depots
5 MCTS Centres
1 JRCC

1 MRSC
1 ROC
6,801 Aids to Navigation

Atlantic: 1,840 FTEs

3 Operational Bases
14 SAR Stations
9 seasonal IRB Stations

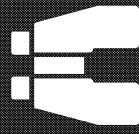
ATLANTIC

1 JRCC
1 MRSC
1 ROC

COAST GUARD COLLEGE

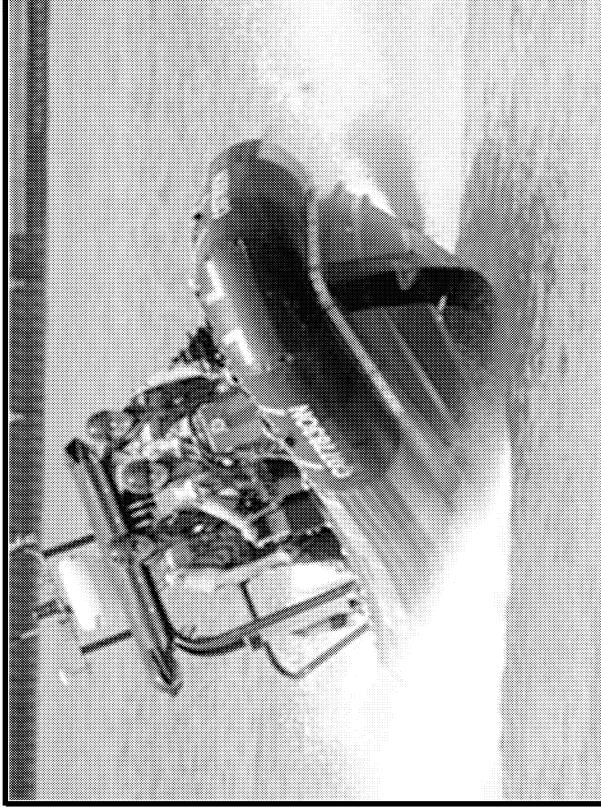
5 Staffed ER Depots
5 MCTS Centres
6,675 Aids to Navigation
24 Staffed Lighthouses

Marine Search and Rescue (SAR)

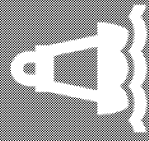


The Coast Guard is the federal lead for marine search and rescue in Canada.

- ❑ Coast Guard provides 24/7/365 SAR services in partnership with National Defence and the Canadian Armed Forces (DND/CAF), and over 4,000 volunteer members of the Canadian Coast Guard Auxiliary.
- ❑ SAR incidents are coordinated by three Joint Rescue Coordination Centres (JRCC) and two Maritime Rescue Sub-Centres. The JRCC's are managed by CAF and jointly staffed with Coast Guard and CAF personnel.
- ❑ SAR resources across Canada:
 - ❖ 3 Joint Rescue Coordination Centres
 - ❖ 2 Maritime Rescue Sub-Centres
 - ❖ 42 search and rescue stations
 - ❖ 26 seasonal in-shore rescue boat stations
 - ❖ 1 hovercraft station
 - ❖ 1 dive team

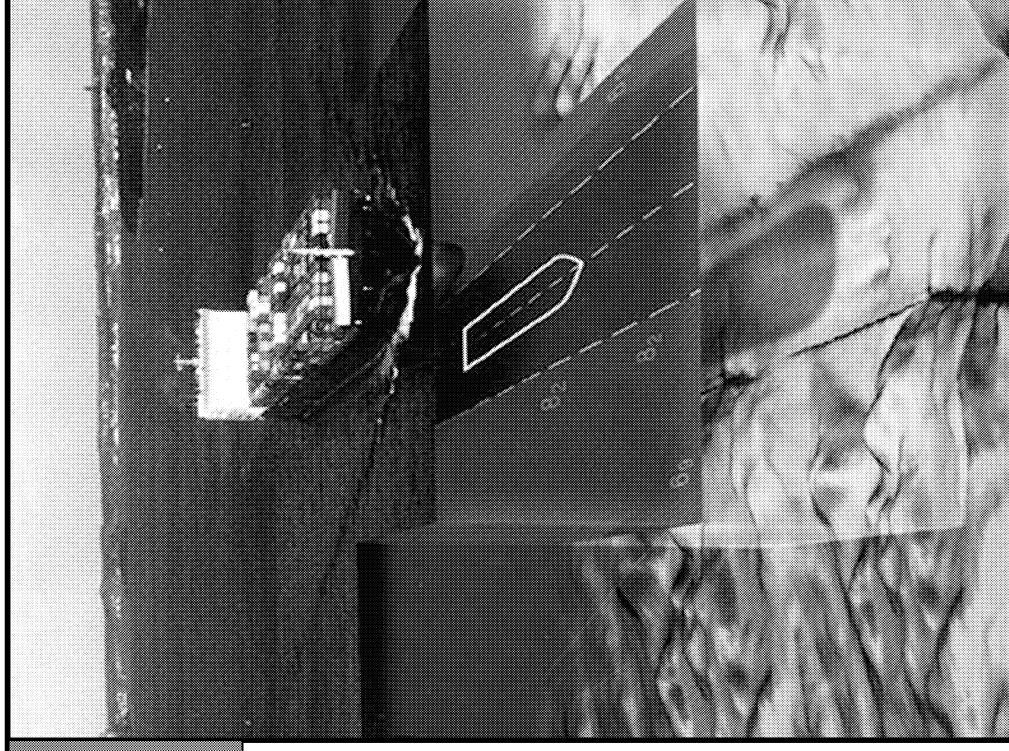


Marine Navigation



**The Coast Guard facilitates
safe navigation through
Canadian waters**

- ☐ Ensuring smooth and uninterrupted flow of goods along waterways
- ☐ Maintaining over 17,000 aids to navigation and a Canadian Differential Global Positioning System Navigation Service that enhances the Global Positioning System
- ☐ Providing navigational safety information to mariners
- ☐ Surveying channel conditions, and informing mariners of water depths, currents, and levels



Marine Communications and Traffic Management



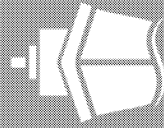
158 radio towers across Canada and 11 remote communication sites in the Arctic support Coast Guard services.



12 Marine Communications and Traffic Service centres:

- ☐ Monitor radio frequencies and respond to calls for assistance;
- ☐ Broadcast maritime safety information;
- ☐ Manage marine traffic in designated waterways;
- ☐ Provide navigational information and assistance; and
- ☐ Screen vessels and issue clearance to ships prior to entry into Canadian waters.

Icebreaking and Ice-Management





During winter, 14 icebreakers and two air cushioned vehicles operate in southern Canada. During the summer, an average of seven vessels operate in the Arctic.

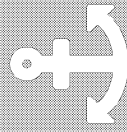
- ☐ Enables commerce on the east coast
- ☐ Ensures year-round ferry service
- ☐ Escorts ships through ice covered waters
- ☐ Supports flood prevention
- ☐ Clears ice from harbours and wharfs
- ☐ Supports Canadian sovereignty in the Arctic
- ☐ Supplies remote communities
- ☐ Supports Arctic economic development
- ☐ Provides ice information and routing advice



Marine Pollution Response

	
Environmental Response (ER)	
	
<ul style="list-style-type: none">❑ Coast Guard ensures an appropriate response to all reports of ship-source pollution and mystery-source spills.❑ Public-private partnership that adheres to the Polluter Pays Principle.❑ Integrating science and local Indigenous Knowledge into preparedness and response activities.❑ 94 ER equipment depot sites across Canada.	
Hazardous Vessels Response	
<ul style="list-style-type: none">❑ Under the National Strategy to address Wrecked, Abandoned, and Hazardous Vessels, Coast Guard is responsible for ensuring hazards posed by vessels in Canadian waters are appropriately addressed.❑ The Wrecked, Abandoned or Hazardous Vessels Act (WAHVA), which came into force on July 30, 2019, gives Coast Guard new authorities and provides strict liability to hold vessels owners accountable.❑ Coast Guard is introducing a new program to fulfil its responsibilities and authorities under WAHVA and the National Strategy.	

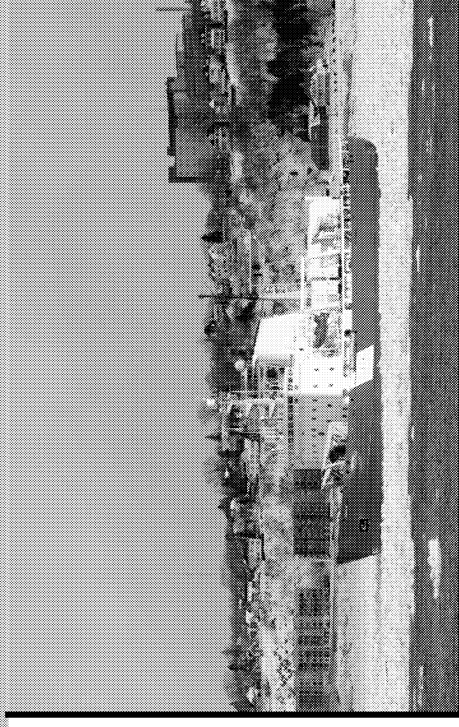
Maritime Security



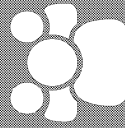
The Coast Guard is often the only federal presence in Canada's waters, most notably in the Arctic. This presence contributes to security and promotes Canadian sovereignty.

Coast Guard plays a critical role in supporting Canada's maritime and national security by:

- ☐ **Creating national maritime domain awareness** by contributing sensor information and expert analysis in Canada's three Marine Security Operations Centres;
- ☐ **Providing patrol vessels, helicopters and personnel** to support DFO and the RCMP;
- ☐ **Contributing to global maritime security and safety**, and supporting Canada's overseas priorities;
- ☐ **Providing and managing intelligence and information** to support Coast Guard decision-making and operations; and,
- ☐ **Engaging with federal and international partners** to ensure a coherent approach to national and allied maritime security.



Partnerships



Coast Guard provides operational platforms and expertise to several federal partners, including:

**Fisheries and
Oceans
Canada**

- ☐ Vessel platforms to various programs such as Science, Conservation and Protection, and the Canadian Hydrographic Service

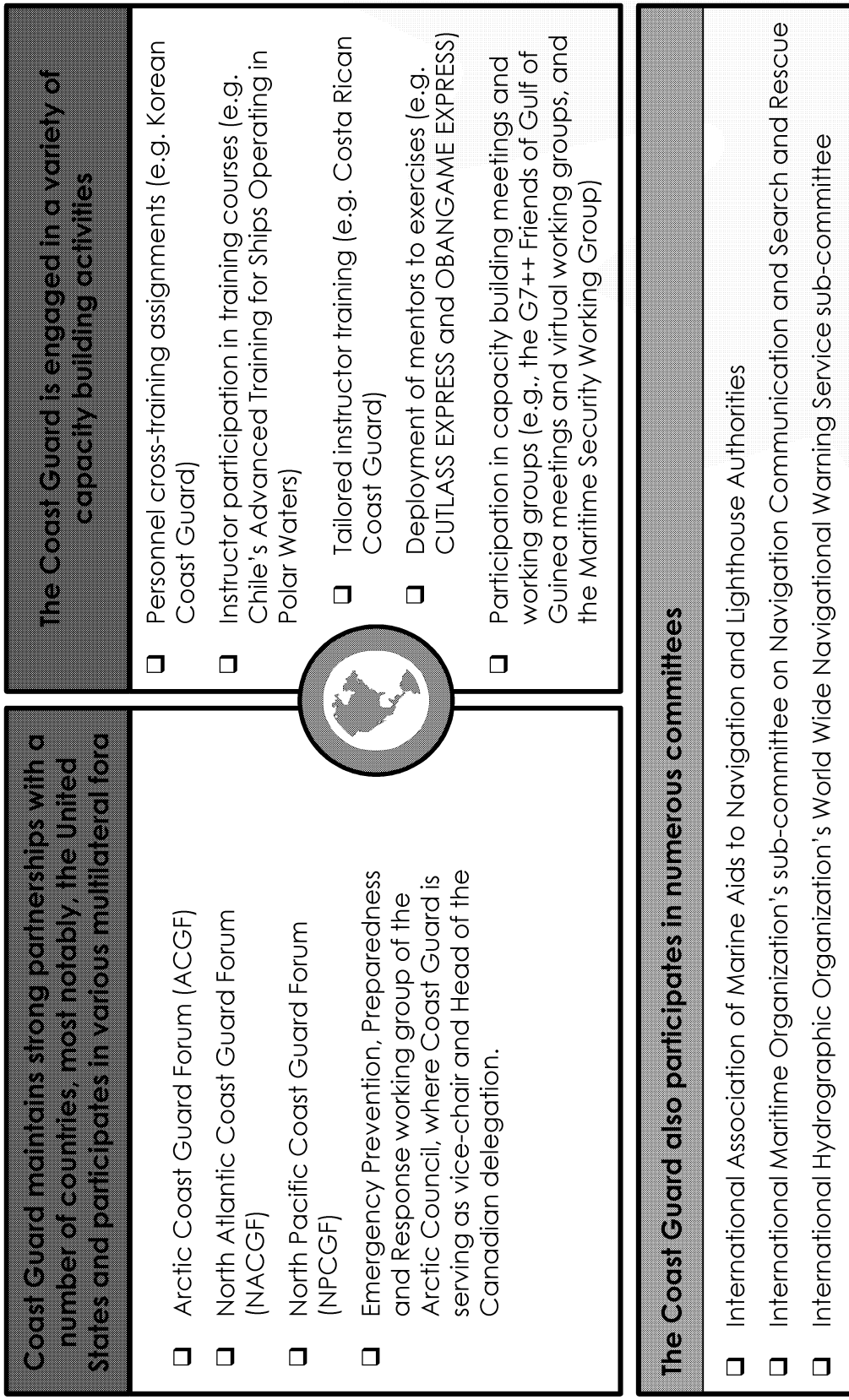
**Royal
Canadian
Mounted
Police**

- ☐ Supports law enforcement agencies, such as through the Canada-U.S. Shiprider Program, which removes the international maritime boundary as a barrier to law enforcement by enabling seamless continuity of enforcement and security operations across the border.

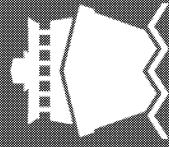
**Transport
Canada**

- ☐ Supports the enforcement of marine regulations.

International Collaboration



Key Initiatives



Fleet Renewal: on-going fleet sustainability requires building new ships and securing interim measures, as required, to maintain operational capacity until new assets can be delivered.

The National Shipbuilding Strategy (NSS) includes the renewal of Coast Guard's fleet of large and small vessels

Large Vessels

Five large vessels were approved and funded when the NSS was announced in 2010:

- ☐ Three offshore fisheries science vessel
- ☐ One offshore oceanographic science vessel
- ☐ One polar icebreaker

In 2019, DFO secured funding for an additional 24 CCG large vessels:

- ☐ 16 multi-purpose vessels, to be built by Vancouver Shipyards
- ☐ Two arctic offshore patrol ship variants, to be built by Irving's Halifax Shipyard
- ☐ Six program icebreakers, with a competitive process to add a third Canadian shipyard to the NSS

Small Vessels

Renewal of the small fleet is also underway:

- ☐ Nine small vessels delivered in recent years
- ☐ Another 14 search and rescue lifeboats in progress

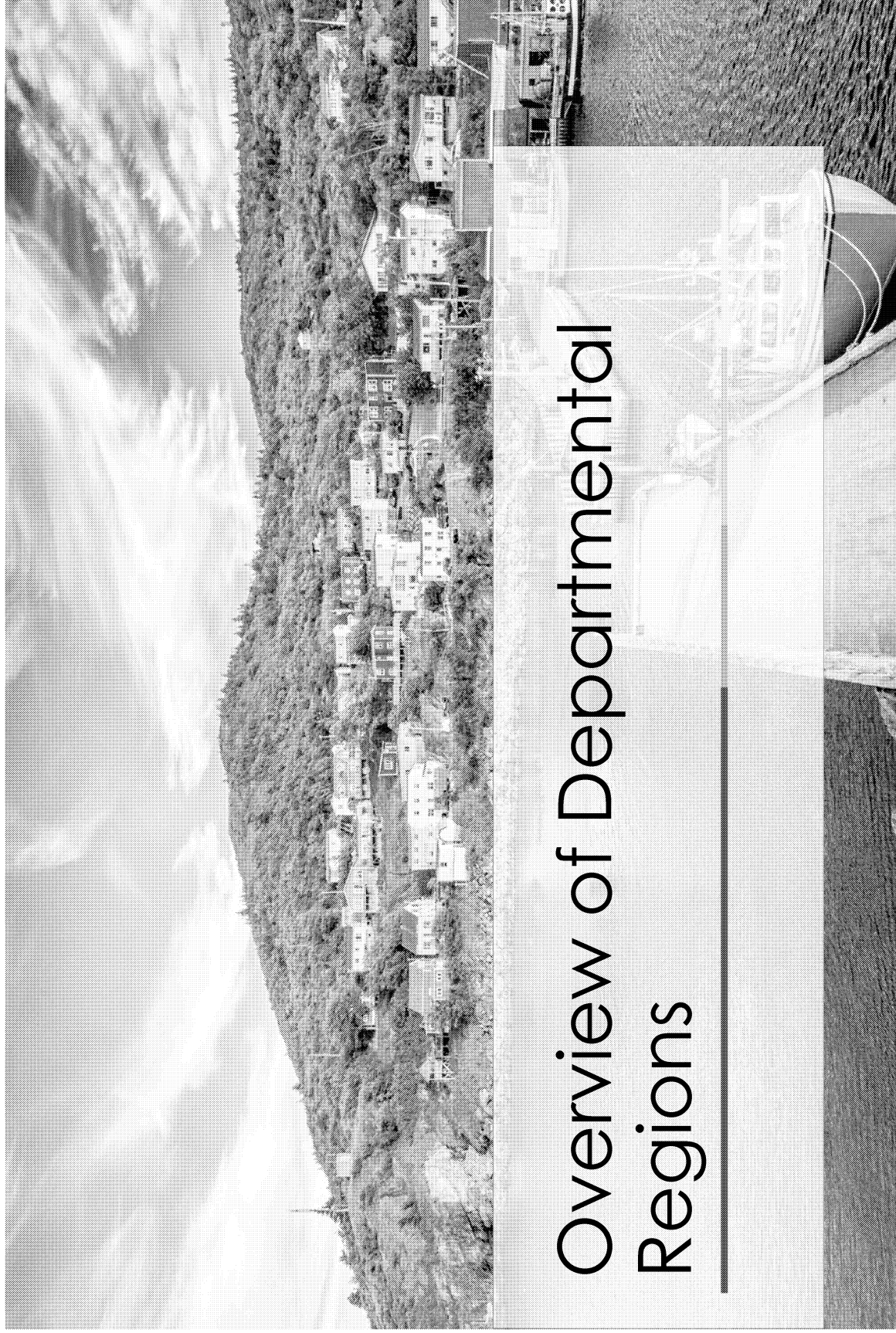
Annex: Coast Guard Partnerships

Partners	Clients	International
<ul style="list-style-type: none"> <input type="checkbox"/> Industry <input type="checkbox"/> Federal Departments (e.g., DFO, DND/CAF, TC, RCMP, ECSC, NRCan, CBSA, Public Safety) <input type="checkbox"/> Indigenous Governments and Organizations: <ul style="list-style-type: none"> ✓ Indigenous and coastal communities ✓ Regional and national Indigenous groups/associations (e.g., First Nations Emergency Management Network) <input type="checkbox"/> The Canadian Coast Guard Auxiliary <input type="checkbox"/> Other levels of government (provinces, territories, municipalities) 	<ul style="list-style-type: none"> <input type="checkbox"/> Canadians <input type="checkbox"/> Mariners <input type="checkbox"/> Fish harvesters <input type="checkbox"/> Local communities <input type="checkbox"/> Recreational boaters <input type="checkbox"/> Ferry operators <p>Think Tanks / Academia</p> <ul style="list-style-type: none"> <input type="checkbox"/> Clear Seas <input type="checkbox"/> Universities and colleges across Canada <input type="checkbox"/> CCGS Amundsen / Science <input type="checkbox"/> ArcticNet <input type="checkbox"/> MEOPAR 	<ul style="list-style-type: none"> <input type="checkbox"/> International organizations <ul style="list-style-type: none"> ✓ International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) ✓ International Maritime Organization (IMO) <input type="checkbox"/> Regional For a (e.g., Arctic, North Atlantic, North Pacific) <input type="checkbox"/> Arctic Council/EPPR <input type="checkbox"/> Bilateral cooperation and capacity-building <ul style="list-style-type: none"> ✓ US; Norway; Denmark; Chile; Costa Rica; South Korea



Fisheries and Oceans
Canada

Pêches et Océans
Canada

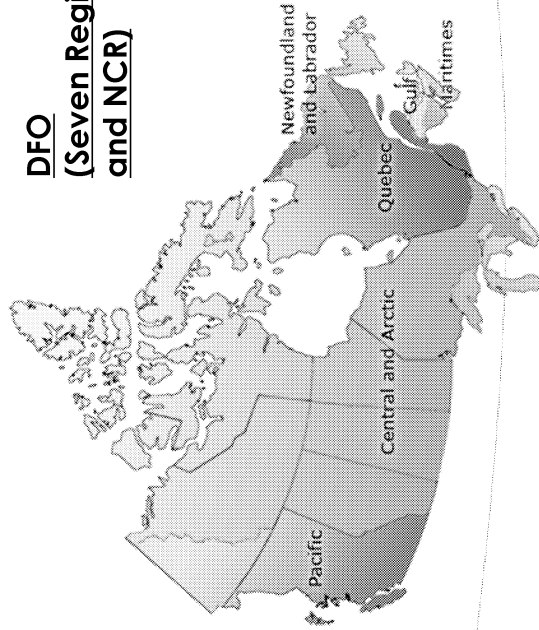


Overview of Departmental Regions

Canada

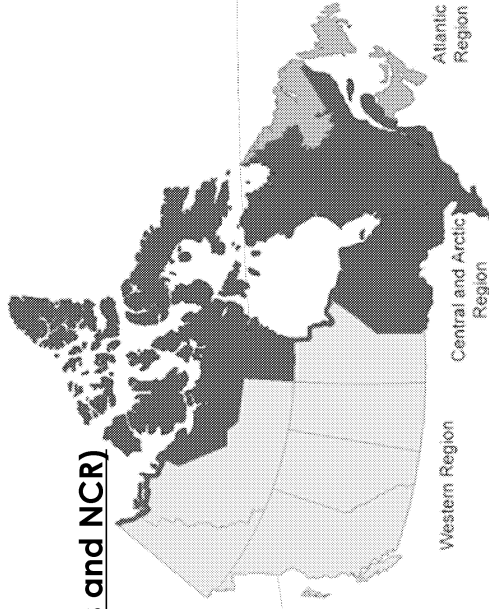
Significant regional presence

DFO
(Seven Regions
and NCR)



Over 75 per cent of employees work in the regions delivering services directly to Canadians; often the **main or only federal presence** in coastal communities.

Coast Guard
(Four Regions and NCR)



In 2018, DFO and Coast Guard established new **Arctic Regions** to advance Indigenous reconciliation and to reflect the Arctic's economic and environmental importance to Canada.
Note: boundaries for the new Arctic regions are being determined.

DFO – Newfoundland and Labrador (NL) Region



Regional HQ & Lab Facilities

- St. John's, NL

Three Area Offices

- Grand Falls-Windsor
- Corner Brook
- Happy Valley-Goose Bay

+ 14 satellite offices, Conservation & eight Protection (C&P) detachments




Key Priorities:

- **Rebuilding Northern Cod** to support a sustainable and commercially viable fishery
- **Implementing a Precautionary Approach for Snow Crab** in consultation with industry
- **Advancing Marine Spatial Planning** in collaboration with the Government of NL

The region has **625 employees** and an operating budget of **\$78.7 million**. Responsibilities include part of the Gulf of St. Lawrence and three international boundaries: Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area; Saint-Pierre et Miquelon (France); and, Greenland.

 29,000 km of coastline and 2.5 million square km of continental shelf

 Three marine protected areas (MPAs): Eastport; Gilbert Bay; and, Laurentian Channel

 337 small craft harbours and approximately 4,300 active fishing vessels



- Approximately 15,882 individuals employed by the fishery and aquaculture sectors and a total landed value of \$789 million (2018)
- Top species: snow crab and shrimp (combined value of \$544 million)
- Total value of aquaculture (2018): \$204 million (94 per cent from salmon)



DFO – Maritimes Region

Regional HQ

- Dartmouth, NS

Three Area Offices

- Sydney, NS
- Yarmouth, NS
- St. George, NB

Two Research Institutes

- Bedford Institute of Oceanography
- St. Andrews Biological Station
- + 19 C&P detachments, two science facilities



Key Priorities:

- Advancing rights, treaty recognition and reconciliation through a coordinated strategy
- Advancing marine spatial planning
- Promoting partnerships and collaboration on ocean research and management
- Delivering the \$400 million Atlantic Fisheries Fund

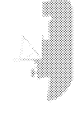
The region has approximately **867 employees** and an operating budget of **\$88.5 million**. It accounts for 37% of the total landed value of Canada's commercial fisheries.



Eastern and southwest Nova Scotia, and southwest New Brunswick



Three MPAs: The Gully; Musquash Estuary; and, St. Ann's Bank + Two Areas of Interest (AOI) and an advanced bioregion conservation network



178 small craft harbours and 3,110 active vessels



- Approximately 12,500 fish harvesters and a total landed value of \$1.4 billion (2018)
- Top three species: lobster (\$818 million); snow crab (\$70 million); scallop (\$40 million)
- Total value of aquaculture production (2017): \$356 million



DFO – Gulf Region



Regional HQ

- Moncton, NB

Three Area Offices

- Tracadie, NB
- Antigonish, NS
- Charlottetown, PEI

Three Research Facilities

- Atlantic Science Enterprise Centre
 - National Aquatic Animal Health Laboratory
 - Federal facility for live aquatic animal health research
- + eight C&P Detachments & 11 Sub-detachments

Key Priorities:

- **Balancing the protection of endangered North Atlantic right whales (NARW) with stakeholder relationships**
- **Advancing negotiations/dialogue with Indigenous communities to improve fisheries access**

The region has **489 employees** and an operating budget of **\$50.6 million**. It has one of the country's most productive marine areas with 30 commercially fished species.



7,000 km of coastline, and includes waters adjacent to New Brunswick's eastern coast, the Northumberland Strait coast of Nova Scotia, western Cape Breton Island, and Prince Edward Island



120 SCHs and more than 4,000 registered fishing vessels



One MPA: Basin Head



- Approximately 11,263 fish harvesters and a total landed value of \$663 million (2018)
- Top species: lobster (\$409 million); snow crab (\$209 million)



DFO – Quebec Region (QC)

Regional HQ

Quebec City, QC

Three Area Offices

- Sept-Îles
- Gaspé
- Cap-aux-Meules

+ five district offices in Côte-Nord and Gaspésie

One Research Institute

- Maurice Lamontagne Institute



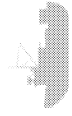
Key Priorities:

- **Balancing NARW protection measures with stakeholder relationships**
- **Implementing marine protected areas (MPAs) in partnership with the QC government**
- **Negotiating/implementing rights-based reconciliation agreements with Indigenous Peoples**

The region has **575 employees** and an operating budget of **\$73.9 million**. It manages the Quebec Fisheries Fund.



Province of Quebec and a large part of the Gulf of St. Lawrence



91 SCHs, where 90% of region's commercial fisheries are landed



One MPA: Banc-des-Américains



- Approximately 7,000 fish harvesters and a total landed value of \$342 million (2018)
- Top three species: snow crab (\$169 million); lobster (\$116 million); shrimp (\$28 million)
- Total value of aquaculture production (2016): \$11 million



DFO – Central and Arctic Region

Regional Offices

- Sarnia, ON
- Burlington, ON
- Winnipeg, MB

Eight Local Offices

- Edmonton, Regina, Sault Ste. Marie, Iqaluit, Yellowknife, Hay River, Inuvik

Three Research Institutes

- Canada Centre for Inland Waters
- Freshwater Institute
- Sea Lamprey Control Centre



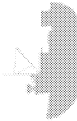
Key Priorities:

- **Aquatic Invasive Species (AIS)**
- **Implementing the renewed Fisheries Act and Impact Assessment Act; shifts in the Species at Risk (SAR) Program**
- **Renewing the Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health**
- **Transition and ongoing support to Arctic Region**

The region has **775 employees**, an operating budget of **\$90.6 million**. The focus is on fisheries and marine conservation in the north; and preserving biodiversity in the south.



Four provinces (Alberta, Saskatchewan, Manitoba, Ontario) + Northwest Territories, Nunavut, and the North slope of the Yukon



167 SCHs



Three MPAs: Anguniaqvia niqiqyuam; Tarium Nirutait; and, Tuvaijuittuq



- Approximately 3,891 fish harvesters and a total landed value of \$272 million (2017)
- Top species (north): Greenland Halibut; Northern Shrimp; Whitefish and Lake Trout (for the Great Slave Lake fishery)
- Total value of aquaculture production (south, 2017): \$45 million



DFO – Pacific Region

Regional HQ

- Vancouver, BC

Four Area Offices

- South Coast
- Fraser and Interior
- North Coast
- Yukon and Transboundary

Three Research Institutes

- Institute of Ocean Sciences
- Pacific Biological Station
- Cultus Lake Salmon Research Lab

Key Priorities:

- **Supporting recovery of wild salmon and steelhead trout**
- **Mitigating potential impacts of Trans Mountain Expansion (TMX) through the Oceans Protection Plan (OPP)**
- **Advancing Indigenous Reconciliation** through consultations, treaty negotiations, and collaborative development

The region has **1,530 employees** and an operating budget of **\$154.7 million**. It manages the BC Salmon Restoration & Innovation Fund and the Salmon Enhancement Program.

27,000km of coastline + 105 river systems (from Old Crow flats in Yukon to the southern tip of Vancouver Island)

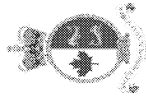


104 SCHs



Three MPAs: Endeavour Hydrothermal Vents; Sgaan Kinghlas-Bowie Seamount; and, Hectate Strait

- Approximately 5,462 commercial harvesters and a total landed value of \$410 million (2017)*
- Top three wild species: halibut (\$59 million); salmon (\$55 million); and crab (\$51 million)
- Total value of aquaculture production (2017): \$768 million (90 per cent from Atlantic salmon)
- The recreational and sport fishery generates over \$1 billion each year in economic value

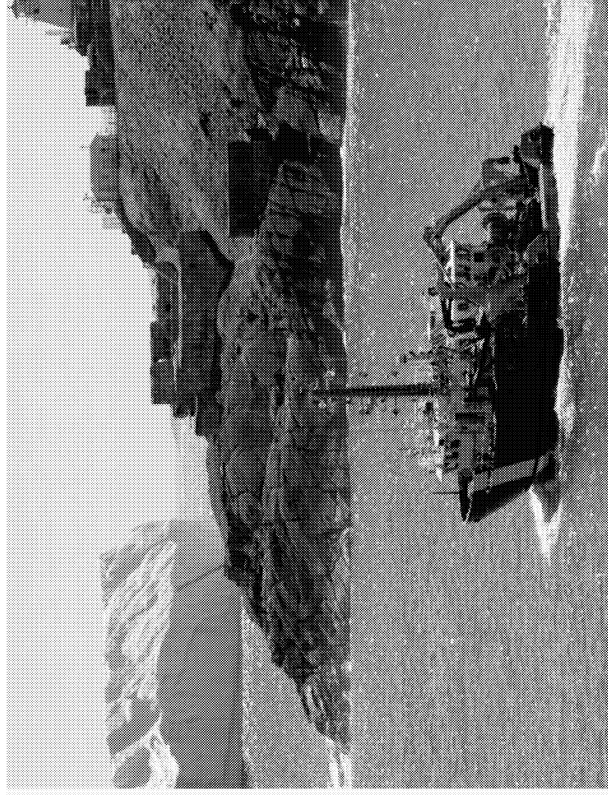


Coast Guard – Atlantic Region

Regional Office

- St. John's, NL

The region spans NB, NS, PEI, and NL, with a Search and Rescue (SAR) zone extending halfway across the Atlantic.



Key Priorities:

- **Enhancing connectivity for all Coast Guard Atlantic Region**
- **Supporting key partners** (e.g., Indigenous communities, scientific community)
- **Infrastructure investments** to support an engaged workforce, enhanced service, and program delivery

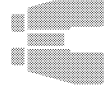
The region has **1,840 employees** and an operating budget of **\$135.9 million**.

Regional Assets:

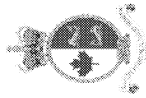
-  15 large vessels
-  12 small vessels
-  15 SAR lifeboats
-  9 helicopters



- 3 operational bases
- 14 SAR stations
- 9 seasonal inshore rescue boat (IRB) stations
- 5 marine communication & traffic service (MCTS) centres
- 5 staffed environmental response (ER) depots



- 1,599 fixed aids
- 5,076 floating aids
- 24 staffed lighthouses

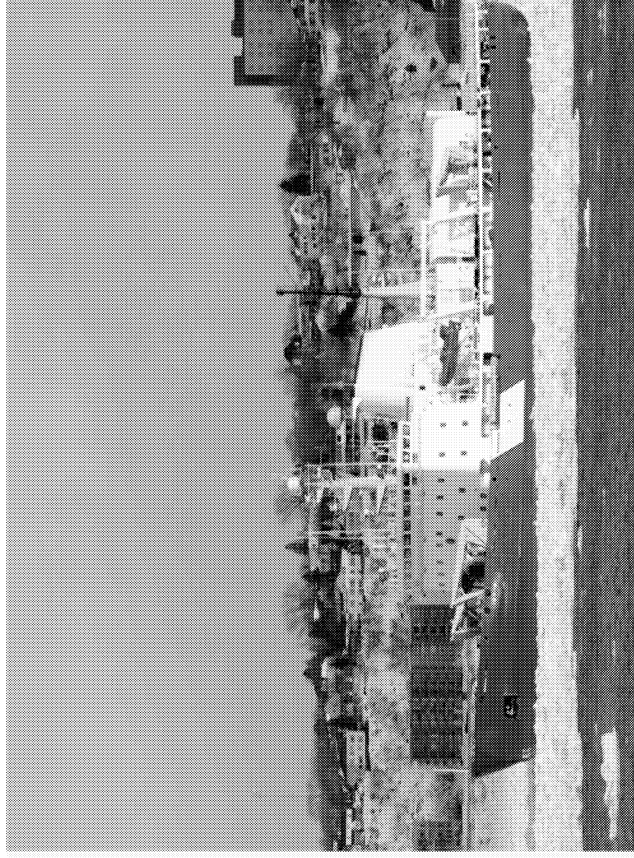


Coast Guard – Central and Arctic Region

Regional Office

- Montreal, QC

The region covers the St. Lawrence River, Gulf of St. Lawrence (Northern Area), Great Lakes, Hudson Bay, and the Arctic coast up to Alaska.




Key Priorities:

- Recruitment, outreach, and reconciliation
- Long-term planning, ROI analysis, and project management conception application
- Ensuring levels of service are attained in waterway management and icebreaking

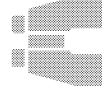
The region has **1,370 employees** and an operating budget of **\$122.2 million**. It will continue to deliver programs and services along the Arctic coast until the Arctic Region's boundaries are defined.

Regional Assets:

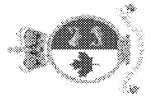
-  6 large vessels
- 15 small vessels
- 18 SAR lifeboats
- 7 helicopters
- 2 hovercrafts



- 11 operational bases
- 15 SAR stations
- 13 IRB stations
- 5 MCTS centres



- 4,614 floating aids
- 2,187 fixed aids

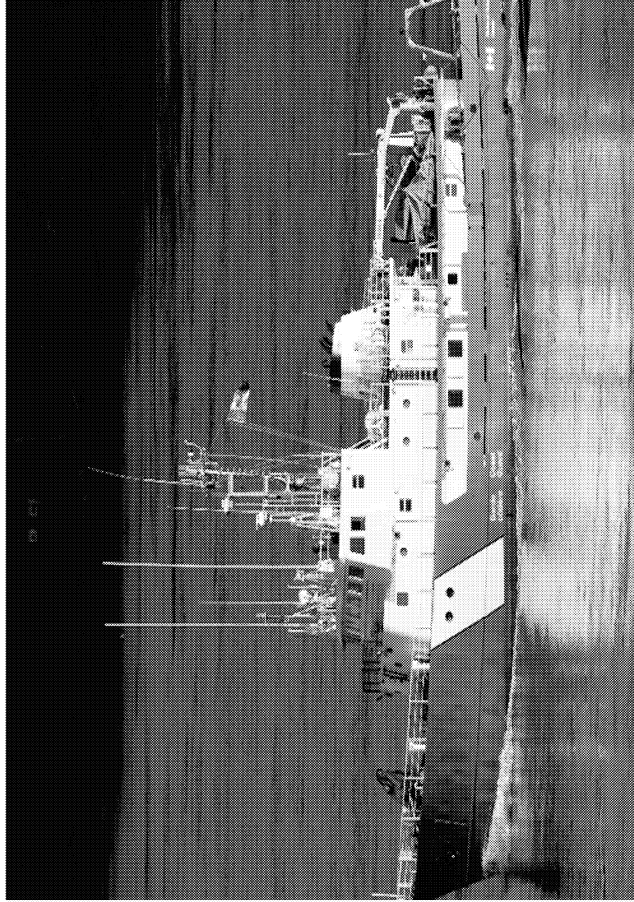


Coast Guard – Western Region

Regional Office

- Victoria, BC

The region spans the entire BC coastline, and includes Lake Winnipeg in Manitoba and the McKenzie River in the NWT.

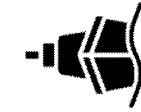


Key Priorities:

- **Implementing the OPP**
- **Building Indigenous partnerships** with 60+ coastal First Nations
- **Supporting key partners** (e.g., industry, Indigenous communities, US Coast Guard)

The region has **1,164 employees** and an operating budget of **\$93.4 million**. It sees almost 50 per cent of all marine communications and traffic services (MCTS) in Canada.

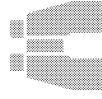
Regional Assets:



- 5 large vessels
- 13 small vessels
- 13 SAR vessels
- 6 helicopters
- 2 hovercrafts



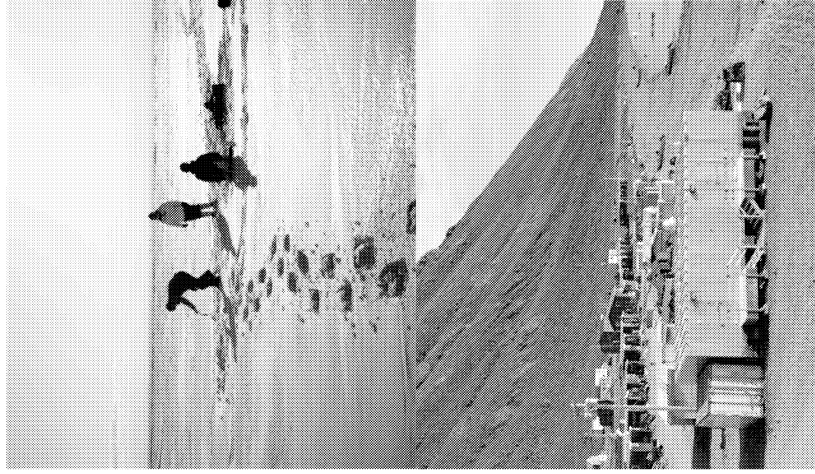
- 7 operational bases
- 13 SAR stations
- 4 IRB stations
- 2 MCTS centres
- 5 ER depots



- 2,100 fixed aids
- 1,756 floating aids
- 27 staffed lightstations

The Arctic Region

- DFO and Coast Guard Arctic regions were announced in October 2018 in collaboration with Inuit Tapiriit Kanatami (ITK) and other Arctic leaders
- Working with partners to co-develop the priorities, programs, and geographical scope of the new region
- Arctic region is taking the lead on several key priorities



DFO

- Regional HQ: Rankin Inlet, NU
- Budget: \$2M (request for long-term funding under development)
- Staffing: 11 FTE + 7 casual

Key Priorities

- Ongoing development of the Region (e.g., boundaries delineation, governance, staffing)
- Co-development of the **Nunavut Fisheries Regulations**
- Marine conservation
- Baffinland environmental assessment

Coast Guard

- Regional Office: Yellowknife, NWT
- Budget: \$5 million
- Staffing: 40 FTE + 14 seasonal FTE for Arctic operations

Key Priorities

- Ongoing development of the region's boundaries
- Increasing capacity & employment opportunities
- Strengthening relationships & service delivery in the North
- Advancing **Northern Low-Impact Shipping Corridors**
- Expanding the **Coast Guard Auxiliary and Indigenous Community Boat Volunteer Program**
- Expanding the **Inuit Marine Monitoring Program (IMMP)**



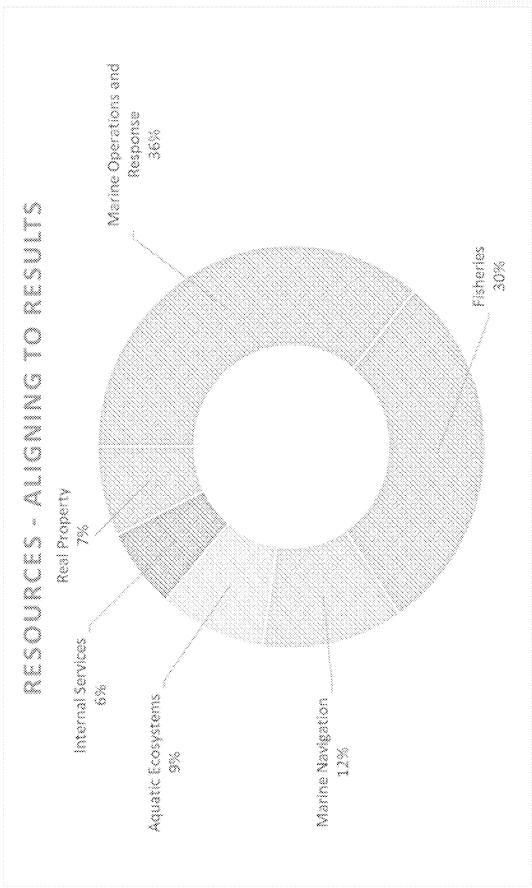
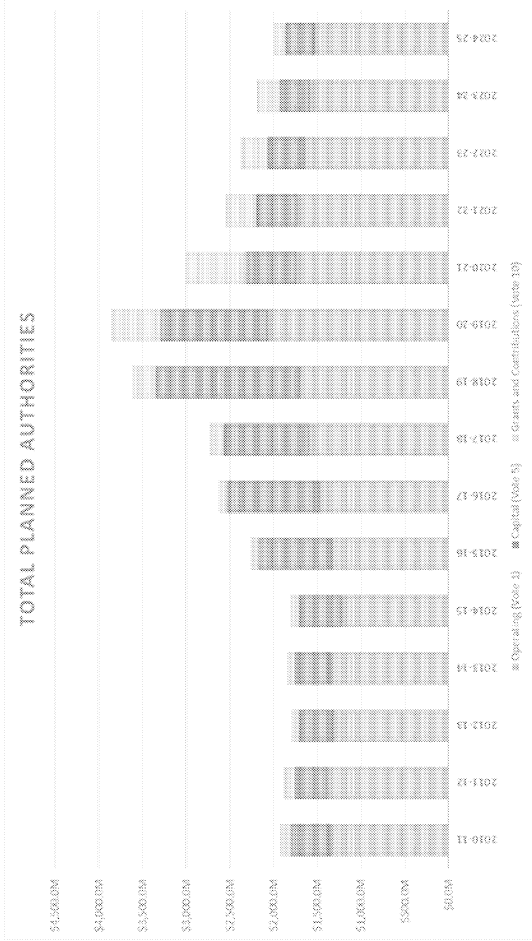
Fisheries and Oceans
Canada

Pêches et Océans
Canada

DFO – Financial Outlook

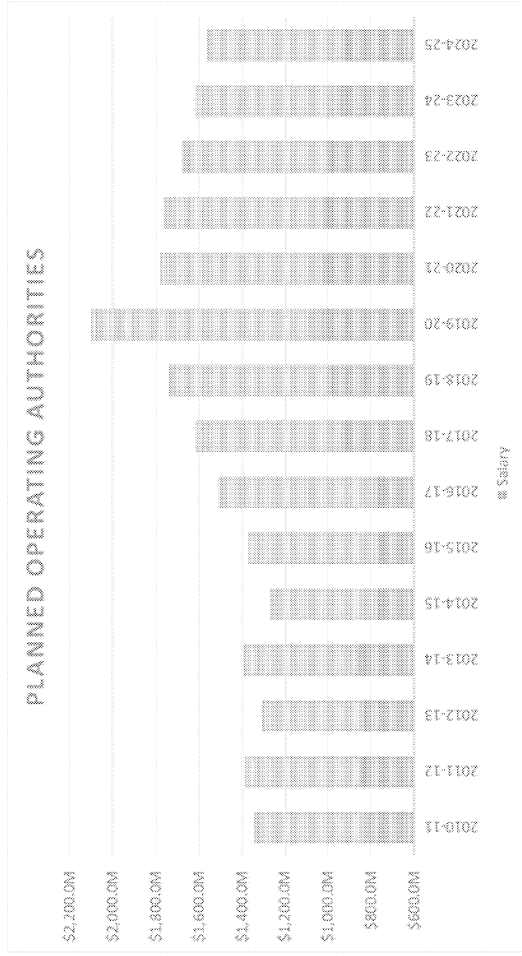
Canada

Total Planned Authorities



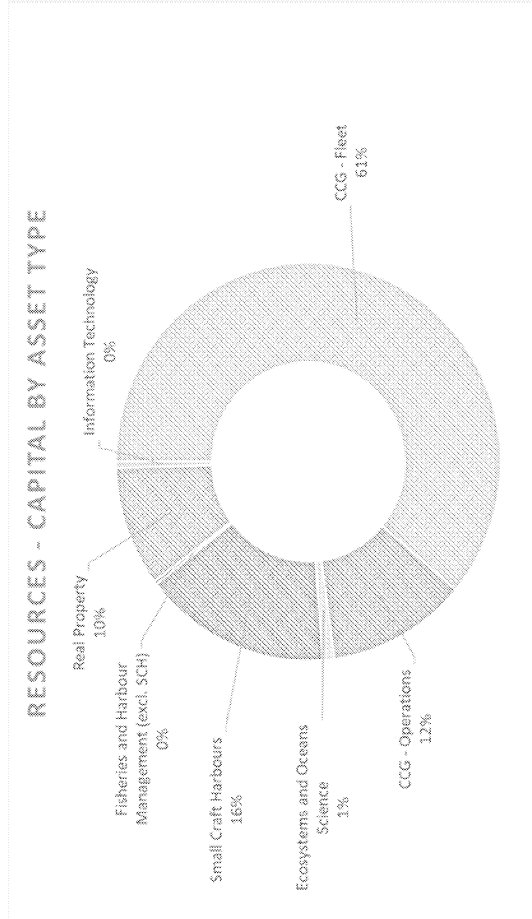
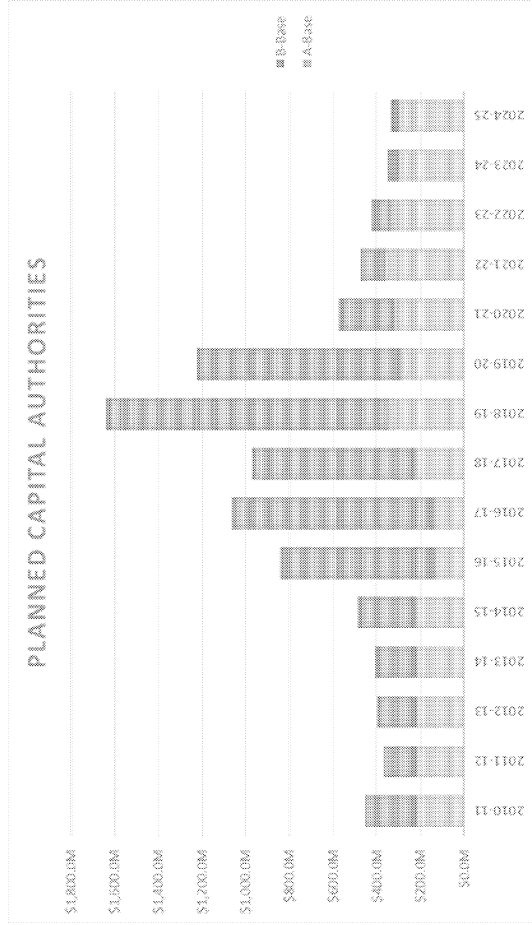
- 2010-11 to 2018-19 authorities represent year-end authorities, as per Public Accounts
- 2019-20 authorities and outer years are based on total anticipated authorities of which a portion are subject to Parliament approval
- Does not reflect renewal of some sunsetters
- ✓ DFO is a highly decentralized department, managing a 2019-20 budget of ~\$3.8B distributed across the country.
- ✓ The Department is receiving funding through **Comprehensive Review** (a Budget 2017 commitment to review federal departments to improve outcomes and increase efficiency) to progressively ensure our ability to deliver core services across the country (\$1.4B over 5 years, \$310M in 2019-20, \$350M ongoing).
- ✓ Key initiatives such as the **Oceans Protection Plan (OPP)** have also brought in additional funding to the department to support new programming and priorities (\$1.1B over 5 years, \$107M ongoing).
- ✓ Some funding initiatives are time-limited (sunsetting) and subject to future funding decisions.

Vote 1 – Planned Operating



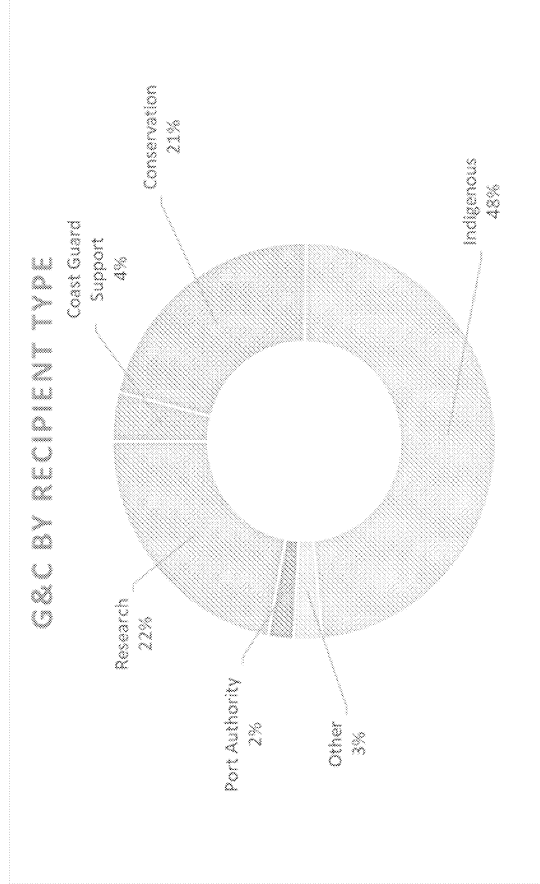
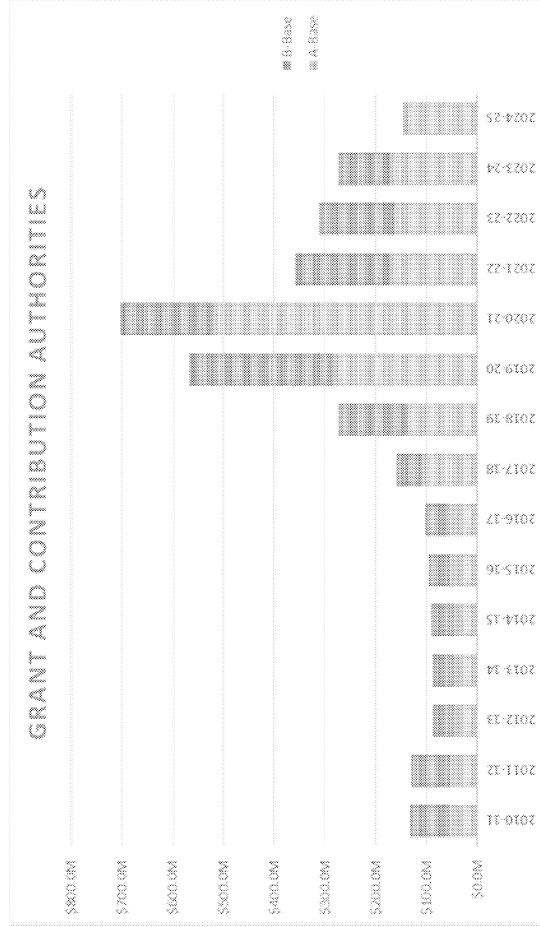
- The spike in authorities for 2019-20 is due to one-time payments scheduled for Indigenous Reconciliation and for the Offshore Fisheries Science Vessel acquisition contract
- 2019-20 authorities and outer years are based on total anticipated authorities of which a portion are subject to Parliament approval
- Does not reflect renewal of some sunsetters
- ✓ Salary makes up approximately 60 per cent of operating spending – approximately **12,300 FTEs are planned for 2019-20**, across Canada.
- ✓ With fluctuating funding profiles and sunseting programs over the next two to four years, **HR planning is critical** to ensure there is no impact on the Department's ability to deliver.
- ✓ DFO has one of the **largest asset base in the Government**. In 2019-20, close to 40 per cent of non-salary spending will be on professional or special services and about 26 per cent on repairs and maintenance primarily to support the asset base. Most of this spending is **non-discretionary**.
- ✓ DFO has **absorbed the fiscal dividend for Shared Services Canada (\$11M ongoing)** and has provided existing funding to support the new programming for whales. Results Reviews are underway to identify reallocation opportunities.

Vote 5 – Planned Capital



- A-Base authorities refer to the department's permanent/ongoing funding, while B-Base authorities reflect temporary funding sources.
 - 2019-20 authorities and outer years are based on total anticipated authorities of which a portion are subject to Parliament approval
 - Does not reflect renewal of some sunsetters
- ✓ **Total capital authorities of \$1,225.2M** are anticipated for 2019-20.
 - ✓ Over 85 per cent of DFO's capital budget is for investments in the **Coast Guard fleet, small craft harbours and real property** portfolio.
 - ✓ DFO received a **significant influx in funding** to invest in key assets over the last three years (e.g., small craft harbours, Coast Guard fleet renewal, Comprehensive Review).
 - ✓ Coast Guard fleet renewal continues to be a high priority. Since 2005, approximately **\$24.0B in fleet investments** have been committed in the fiscal framework.
 - ✓ Under Comprehensive Review, the department has undertaken work in several areas, including **critical maintenance to real property assets and upgrades to information technology networks**.

Vote 10 – Planned Grants and Contributions



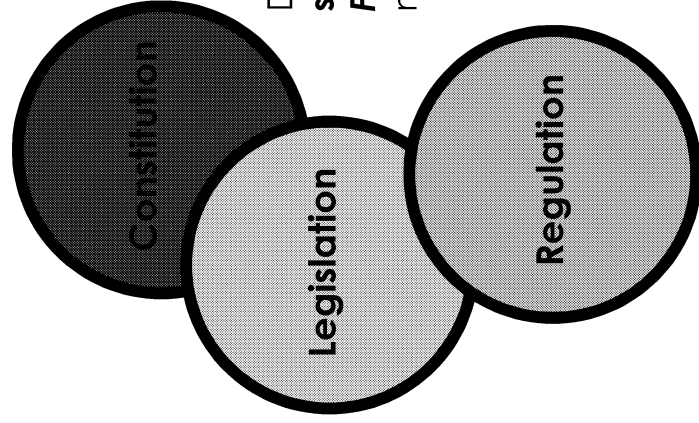
- A-Base authorities refer to the department's permanent/ongoing funding, while B-Base authorities reflect temporary funding sources.
- 2019-20 authorities and outer years are based on total anticipated authorities of which a portion are subject to Parliament approval
- Does not reflect renewal of some sunsetters
- ✓ Total Grants and Contributions anticipated authorities for the 2019-20 are **\$566.5M**
- ✓ Authorities have steadily increased over the last three years, with **permanent/ongoing funding essentially tripling** over that time.
- ✓ **Temporary funding sources** make up a large portion of the new funding. Notable programs funded in this way include, Reconciliation Mandate funding; Trans-Mountain Pipeline; and, the three Fisheries Funds across the country.
- ✓ Grants represent approximately 5 per cent of the total Vote 10 authorities.
- ✓ The Department has over **25 contribution programs** – with the largest recipients consisting of Indigenous organizations, associations focused on conservation, research organizations, and port authorities.

Legislative and Regulatory Framework

Purpose

- Outline the **powers and responsibilities** of the Minister of Fisheries, Oceans and the Canadian Coast Guard stemming from a number of statutes and regulations.
- Provide information on **key statutes and regulations** that are associated with the role of the Minister in managing Canada's fisheries and oceans, including:
 - Managing and authorizing a diverse array of fishing activities;
 - Authorizing industrial development activities which impact fish habitat; and,
 - Working with ministers in other departments to conserve and protect fish, including cetaceans, marine ecosystems and aquatic species at risk.
- Provide information on **key statutes** that are associated with the role of the Minister with regard to coast guard operations.

Legislative and Regulatory Framework: An Overview



Fisheries fall largely under **federal jurisdiction**, as per the division of powers established in the *Constitution Act, 1867*. The provinces' jurisdiction over fisheries relate mostly to ownership of river beds.

Departmental mandate and objectives are outlined in **seven primary statutes** and **seven issue-specific statutes**. Recent amendments to the *Fisheries Act* and the *Oceans Act* have updated the Department's mandate, as well as the Minister's responsibilities and powers.*

Five key pieces of legislation with **associated regulations** to manage Canada's fisheries.

*Please see Annex A for recent amendments to the *Fisheries Act* and Annex B for recent amendments to the *Oceans Act*.

Constitutional Framework

The *Constitution Act, 1867* establishes the division of federal and provincial powers

Unlike many resource-based federal departments, Fisheries and Oceans Canada manages a resource that falls largely under federal jurisdiction

Federal Jurisdiction

- In **tidal waters**, fisheries are an exclusive federal jurisdiction.
- Coast guard services are within the exclusive legislative jurisdiction of Parliament.

Provincial and Territorial Jurisdiction

- **The management of inland fisheries** is administered by the provinces and territories; regulatory changes require federal support.
 - A strong relationship with these governments is essential to ensure the alignment of environmental, fisheries and aquaculture policies.

Shared Jurisdiction

- In **non-tidal waters**, constitutional jurisdiction over fisheries is shared.
 - Parliament has jurisdiction over conservation issues, such as the setting of fishing seasons, quotas, and size limits.
 - Provincial legislatures' jurisdiction are rooted in their ownership of the river beds, and relate mostly to the issuance of authorizations to fish within the province and to whom they are issued.

Legislative Framework: Overview

The mandate and objectives of Fisheries and Oceans Canada are outlined in seven primary statutes and seven issue-specific statutes.

Seven Primary Statutes:

- *Department of Fisheries and Oceans Act*
- *Fisheries Act*
- *Oceans Act*
- *Coastal Fisheries Protection Act*
- *Fishing and Recreational Harbours Act*
- *Species at Risk Act*
- some provisions of the *Canada Shipping Act, 2001*

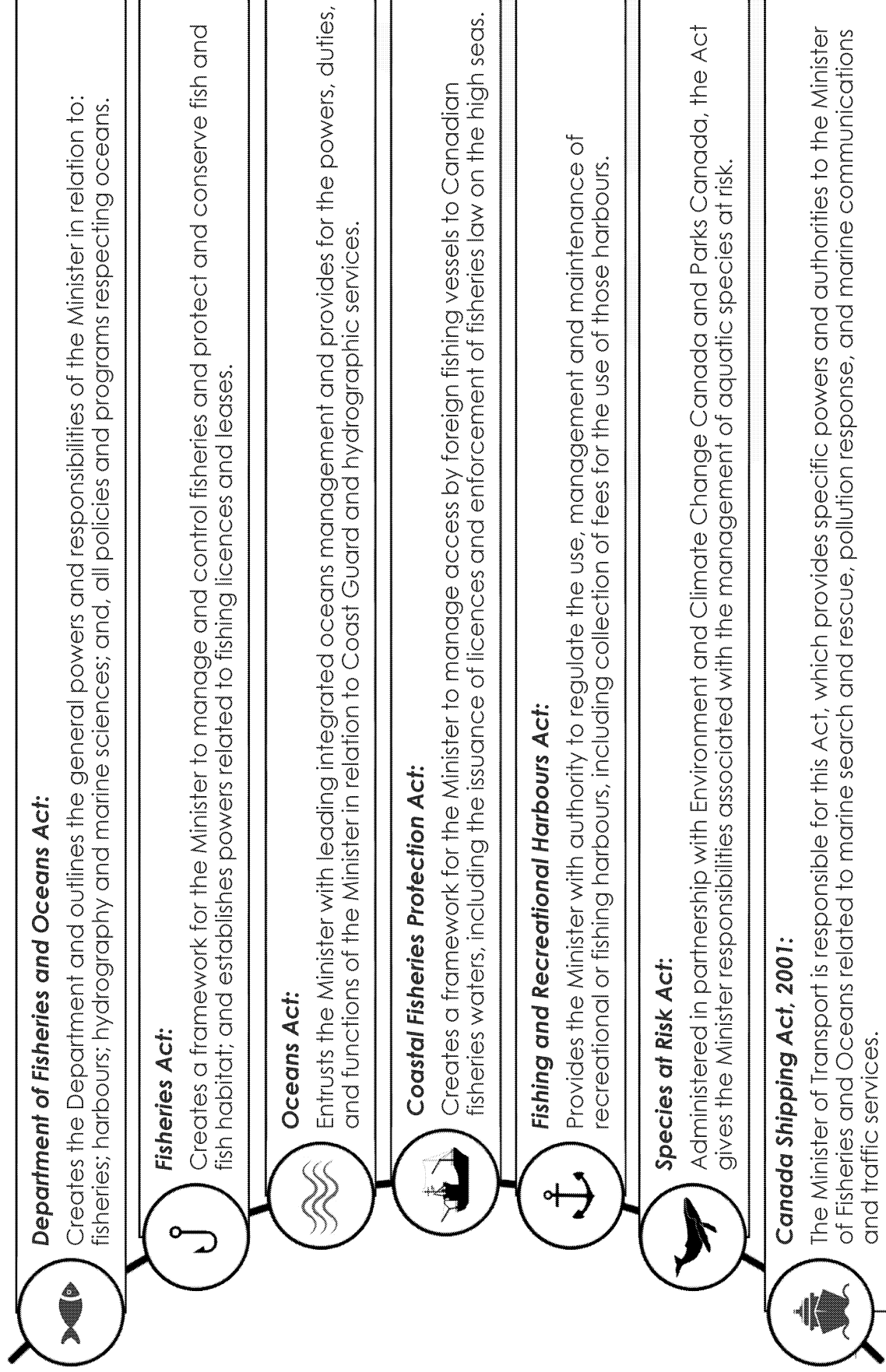
Seven issue-specific statutes:

- *Freshwater Fish Marketing Act*
- *Fisheries Improvement Loan Act*
- *Fisheries Development Act*
- *Atlantic Fisheries Restructuring Act*
- *Great Lakes Fisheries Convention Act*
- *Wrecked, Abandoned or Hazardous Vessels Act*
- *Arctic Waters Pollution Prevention Act*

Other Acts of Interest:

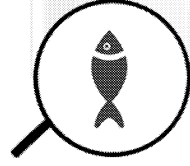
- *Marine Liability Act*
- *Impact Assessment Act*

Legislative Framework: Seven Primary Statutes



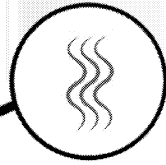
Associated Regulatory Framework

There are five key pieces of legislation which have associated regulations that the Department relies on to manage Canada's fisheries and aquatic ecosystems.



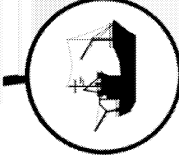
Fisheries Act:

There are four general groups of regulations under the *Fisheries Act*: 1) Fisheries administered by the Department; 2) Fisheries administered by Provinces/Territories; 3) Regulations with respect to Indigenous fisheries; and, 4) Regulations with respect to marine mammals.



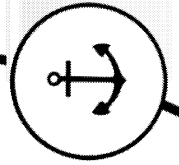
Oceans Act:

Regulatory instruments made under this Act are primarily various marine protected areas regulations and Ministerial Orders designating interim marine protected areas.



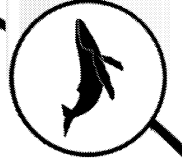
Coastal Fisheries Protection Act:

The *Coastal Fisheries Protection Regulations (CFPR)* establish the Minister's power to issue licences authorizing foreign fishing vessels to enter Canadian fisheries waters to engage in specified fisheries-related activities. The *CFPR* also set out the applicable boarding and inspection procedures.



Fishing and Recreational Harbours Act:

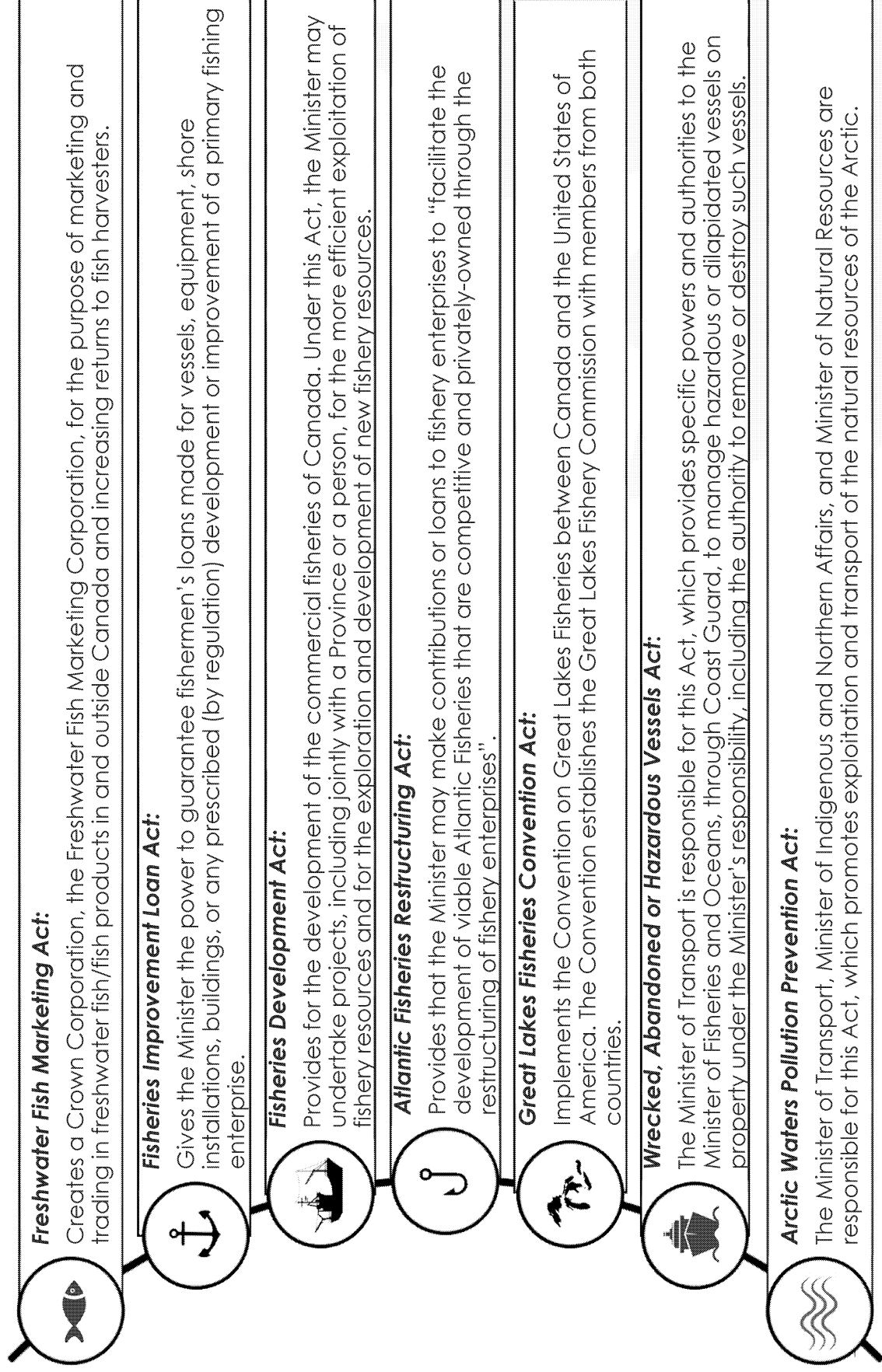
The *Fishing and Recreation Harbours Regulations* regulate the use, management, and maintenance of certain fishing and recreational harbours in Canada, including setting out fees and charges.



Species at Risk Act:

Examples of regulatory activity under the Act include amending the List of Wildlife Species to the Act and the creation of orders to protect the habitat of at risk species.

Legislative Framework: Seven Non-Primary Statutes



Annex A: Amendments to the Fisheries Act

In the 42nd Parliament, the Fisheries Act was amended with royal assent of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence

Amendments to the Fisheries Act:

- A new purpose clause and a list of considerations the Minister may take for decision making;
- Prohibition against the death of fish and the harmful alteration, disruption or destruction of fish habitat;
- New requirements and protections to strengthen reconciliation with Indigenous peoples;
- New prohibitions on fishing for cetaceans for the purpose of keeping them in captivity and the import or export of a cetacean without a permit;
- The addition of specific prohibitions on the practice of shark finning, as well as the import and export of shark fins; and,
- Empowers the Governor in Council to make new regulations related to the rebuilding of fish stocks and restoration of fish habitat.

The Minister has new authorities to:

- ✓ Establish advisory panels, set fees, and collect information;
- ✓ Make fisheries management orders to address a threat to the proper management and control of fisheries and the conservation and protection of fish;
- ✓ Establish regulations to support independent inshore licence holders;
- ✓ Establish regulations defining which projects (or parts of projects) would always require a permit, as well as the development of codes of practice for small, routine projects; and,
- ✓ Establish regulations for the purposes of the conservation and protection of marine biodiversity.

Annex B: Amendments to the Oceans Act

In the 42nd Parliament, the Oceans Act was amended with royal assent of Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act

Amendments to the Oceans Act:

- Ability to designate an interim marine protected area (MPA) boundary and 'freezing the footprint' of ongoing activities in the area based on initial science and consultations via a Ministerial Order;
 - The interim MPA would be in force for up to five years during which the process to establish protection via a proposed permanent Governor in Council (GIC) regulation would continue. After the five years, the interim MPA would be repealed or replaced by a permanent GIC regulation;
- The Minister is required to apply the precautionary principle when deciding to establish any Oceans Act MPA; and,
- Enforcement powers and fines are strengthened to align with updated, current provisions in other legislation, such as the *Environmental Enforcement Act*.

DEPARTMENT OF FISHERIES, OCEANS AND THE CANADIAN COAST
GUARD

LEGISLATIVE FRAMEWORK

Prepared by DFO Legal Services
8/19/2019

SOLICITOR/CLIENT PRIVILEGE

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SOLICITOR/CLIENT PRIVILEGE

Department of Fisheries and Oceans and Canadian Coast Guard – Legislative Framework

1 Constitutional Framework

The mandate of the Minister of Fisheries, Oceans and Canadian Coast Guard derives mainly from the *Department of Fisheries and Oceans Act*, the *Fisheries Act*, the *Oceans Act*, the *Coastal Fisheries Protection Act*, the *Canada Shipping Act, 2001*, the *Arctic Waters Pollution Prevention Act* and the *Wrecked, Abandoned or Hazardous Vessels Act*.

The main federal heads of powers related to the Department of Fisheries and Oceans (DFO)'s responsibilities for fisheries and navigation matters, as set out in section 91 of the *Constitution Act, 1867*, are:

- Beacons, Buoys, Lighthouses, and Sable Island
- Seacoast and Inland Fisheries;
- Navigation and Shipping;
- Public Debt and Property [i.e. federal public property]
- The Regulation of Trade and Commerce; and
- Indians and Lands Reserved for the Indians.

The main provincial heads of powers affecting fisheries as set out in section 92 of the *Constitution Act, 1867*, are:

- Property and Civil Rights in the Province;
- The Management and Sale of the Public Lands belonging to the Province; and
- Generally all matters of a merely local or private nature in the Province.

2 DFO's Legislative Framework

The primary statutes that provide for the Minister's powers, duties and functions are:

- the *Department of Fisheries and Oceans Act*,
- the *Fisheries Act*;
- the *Coastal Fisheries Protection Act*;
- the *Oceans Act*;
- the *Species at Risk Act*;
- *Canada Shipping Act, 2001*;
- the *Arctic Waters Pollution Prevention Act*; and
- the *Wrecked, Abandoned or Hazardous Vessels Act*.

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In addition, there are a number of other statutes, which the Minister administers:

- the *Atlantic Fisheries Restructuring Act*,
- the *Fisheries Development Act*,
- the *Fisheries Improvements Loan Act*,
- the *Fishing and Recreational Harbours Act*,
- the *Freshwater Fish Marketing Act*; and
- the *Great Lakes Fisheries Convention Act*.

These statutes are discussed below.

2.1 Department of Fisheries and Oceans Act

The *Department of Fisheries and Oceans Act* establishes the Department of Fisheries and Oceans and sets out the powers, duties and functions of its Minister for matters relating to:

- Sea coast and inland fisheries;
- Fishing and recreational harbours;
- Hydrography and marine sciences;
- The coordination of the policies and programs of the Government of Canada respecting oceans; and
- All other oceans matters over which Parliament has jurisdiction and that have been by law assigned to the Minister.

In addition, the *Department of Fisheries and Oceans Act* authorizes the Minister, with approval from the Governor in Council, to enter into agreements with the government of any province respecting the carrying out of programs for which the Minister is responsible.

2.2 Fisheries Act

The *Fisheries Act* is one of the oldest continuing federal statutes in Canada, having been first passed in 1868. Fisheries law in Canada borrows much from the common law developed over many centuries in England – including the “public right to fish” and the concept that fisheries are “a common property resource” for all, rather than property owned privately or by the Crown. That being said, the public right to fish is subject to the exclusive jurisdiction of Parliament, which has enacted fisheries legislation to regulate access to fisheries in Canadian fisheries waters. Given Canada’s federal model dividing powers between Parliament and the provinces’ jurisdiction over certain aspects of inland fisheries on provincial Crown lands, collaboration with the provinces is key to harmoniously managing inland fisheries.

Put briefly, in tidal waters, Parliament has exclusive jurisdiction over all aspects of fisheries management. The provinces do not have jurisdiction in tidal waters, except in respect of fishing devices that are affixed to those soils that are vested in the Province. In such cases, the provinces

SOLICITOR/CLIENT PRIVILEGE

have exclusive power to grant the right to attach such devices to the provincial subsoil. However, in non-tidal waters in a province, the constitutional jurisdiction over fisheries is shared. One way to express that shared jurisdiction would be that Parliament has responsibility for the conservation and protection for all fisheries, which includes matters such as fishing seasons, quotas, size limits and gear requirements, whereas the provinces' jurisdiction over fisheries in non-tidal waters within the province is largely based on the provinces' property rights as owners of public lands, including the beds of fish-bearing lakes, rivers and streams, within the province. That being said, the provinces' ownership rights grant great flexibility to decide on many aspects of fisheries, including conveyances and leases of fisheries, who may fish, what privileges are conferred and what fees must be paid, as the case may be. In practice, fisheries management within the provinces has been largely delegated to provinces, perhaps in part to practically recognize their ownership of public lands.

In certain cases, the federal and provincial jurisdictions may overlap in the sense that provincial rules on a particular subject (i.e. the number of fish that may be caught) may exist concurrently with federal rules on the same subject. In such a case, provincial rules would be subject to Parliament's jurisdiction over the conservation and protection of fish. Overall, the management of fisheries in non-tidal waters in a province is a shared jurisdiction and may lead to situations that warrant a case-by-case analysis.

Aquaculture is another subject-matter of shared jurisdiction in Canada. In sum, where aquaculture activities may be considered a fishery¹, the federal fisheries power applies to those activities and Parliament has exclusive jurisdiction over the fisheries aspects of aquaculture (e.g. conferring the right to fish and the right to operate the aquaculture facility). Where such aquaculture activities are located within a province, the province has jurisdiction over the property aspects of aquaculture and over all other aspects of a purely local nature (e.g. conferring the right to affix structures to the bottom of the water body in question located within the province). When an aquaculture activity is carried out outside provincial territory, the property aspects of aquaculture fall under federal jurisdiction under the federal property head of power.

The *Fisheries Act* also authorizes fisheries officers to exercise enforcement powers to verify compliance with the Act. These powers include the power to inspect, search, arrest and seize.

¹ The elements of capture and escape must be applied to determine whether an aquaculture activity is a fishery. The aquaculture activity will be considered a fishery where in the normal course of the activity, there is a real possibility of escape of the fish into the wild. Once the fish are securely captured, with no possibility of escape, and thus reduced to absolute possession, the fishing activity ends and the activities of cultivation of these fish – in a context where the inherent characteristic of fishing is absent - cannot be considered a fishery. There are other particularities to the notion of “fishery”. In the province of British Columbia, the Supreme Court ruled the finfish aquaculture activities on the coast of the province are activities that constitute a fishery. *Morton v. British Columbia (Agriculture and Lands)*, 2009 BCSC 136

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At a federal level, the *Fisheries Act* covers three broad areas:

- the fisheries provisions are for the management and control, conservation and development of fisheries on behalf of all Canadians and in the public interest; one tool to accomplish this is the granting of fishing privileges via licences and leases;
- the fish and fish habitat protection provisions deal generally with protecting and managing the aquatic environment needed to sustain the fisheries resources; and
- “pollution prevention” provisions, found principally in subsection 36(3) to (6) of the Act, and currently managed in large part by Environment Canada as per the *Order Designating the Minister of the Environment as the Minister Responsible for the Administration and Enforcement of Subsections 36(3) to (6) of the Fisheries Act* (SI/2014-21).²

These are covered in greater detail below.

It is noted that there is some overlap between the responsibilities of DFO and those of the Department of Environment and Climate Change Canada (ECCC). DFO manages and protects fisheries, and regulates activities which cause the harmful alteration, disruption or destruction (HADD) of fish habitat or the death of fish by means other than fishing (DOF)³; while ECCC manages water quality which may be harmful to fish, and prohibits and regulates the deposit of “deleterious substances” into “waters frequented by fish” (with the exceptions of deposits in the context of aquaculture and deposits for the control or eradication of aquatic invasive species and aquatic pests).

2.2.1 Fisheries Management

The Courts have long recognized that the *Fisheries Act* provides the Minister with authority to manage and control, conserve and develop the fisheries on behalf of Canadians in the public interest in conjunction with steps taken to carry out social, cultural or economics goals and policies.⁴

Licensing is a tool available to the Minister under the *Fisheries Act* and regulations adopted under this Act (e.g. section 7 of the *Fisheries Act* or section 52, 56 and 68 of the *Fishery*

² Pursuant to section 2 of the Order, the Minister of Fisheries, Oceans and the Canadian Coast Guard remains responsible for the administration of these provisions with respect to undertakings in relation to aquaculture facilities and the control or eradication of aquatic invasive species.

³ Bill C-68, which recently amended the *Fisheries Act*, replaces the pre-existing “serious harm” fish and fish habitat protection regime, which came into force in 2012 and 2013, with these two new prohibitions set out in s.35(1) and s.34.4(1) of the amended Act respectively. The HADD/DOF prohibitions are a reversion to the regime that immediately preceded the 2012/3 changes that created the “serious harm” regime. The new prohibitions will come into force on August 28, 2019.

⁴ This mandate is now clearly enshrined in the new provisions of Bill C-68 which amends the *Fisheries Act* to provide that the purpose of the Act is to provide a framework for the proper management and control of fisheries, and the conservation and protection of fish and fish habitat, including by preventing pollution.

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(General) Regulations) to manage the fishing activities of licence holders in Canadian fisheries waters and on the high seas.

The Minister has an “absolute” discretion to either "issue" or "authorize the issuance" of fishing licences (except where an exclusive right to fish exists by law). However, the Minister's discretion is subject to:

- Certain administrative law principles (i.e. the Minister has to base his/her decision on relevant considerations⁵; avoid arbitrariness, and act in good faith in his or her decision making process); and
- Rights and obligations set out in comprehensive land claim agreements, self-government agreements or other similar agreements with Indigenous Peoples, and to the guidance provided by the courts respecting the constitutional protection provided to Aboriginal and treaty rights under section 35 of the *Constitution Act, 1982*, including constitutionally protected fishing rights;

A fishing licence is not a right, it is simply a document that reflects a privilege to fish. This privilege allows the licence holder to fish in accordance with the conditions attached to the licence. The privilege to fish does not convey property rights in fish (quota) or in the licence itself, and the privilege terminates upon expiry of the validity period of the licence.

Policy development is also another tool available to the Minister in the exercise of his general duties to manage the fishery. Policies provide a framework and guidance to the Minister's officials. For example, different licensing policy approaches have been adopted for the granting of commercial fishing licences on the Atlantic and Pacific coasts over the years. However, policies have no force of law and are not enforceable. As a matter of law, the Minister's discretion may not be fettered by these policies, so that they cannot be applied blindly; each situation must be assessed and based on its particular facts and circumstances; and exigent circumstances may warrant that an exception be made to the policy to meet the policy objectives.

On June 21, 2019, Royal Assent was given to Bill C-68 - An Act to amend the *Fisheries Act and other Acts in consequence*. Some changes came into force on June 21, 2019, while others, including amendments to the habitat protection regime, are to come into force on August 28, 2019. Major changes include the following:

- New purpose provision which reflects the Minister's mandate for the proper management and control of fisheries, and conservation and protection of fish and fish habitat;

⁵ Relevant considerations are considerations that are related to the purpose of the *Fisheries Act*, which means that considerations must be linked to the proper management and control of the fisheries and/or to the conservation and protection of fish and fish habitat. This may include social, economic factors such as the preservation of the economic value of the fisheries as a whole, as well as cultural or other factors.

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- Increased focus on partnering and collaboration with Indigenous peoples and partners;
- Factors to consider – a list of broad considerations that may be taken into account for decision making;
- Advisory Panels – Clear authority for the Minister to establish advisory panels to support him or her in carrying out the purpose of the Act;
- Fish Stock Rebuilding – A new obligation for the Minister to rebuild regulated major fish stocks, and a new authority to make regulations for this purpose;
- Fisheries Management Orders - New authority for the Minister to make a fisheries management order to address a threat to the proper management and control of fisheries and the conservation and protection of fish;
- A scheme for the Minister to fix fees;
- Prohibition to fish for a cetacean to take it into captivity;
- Prohibition against the practice of shark finning;
- Increased focus on habitat restoration;
- Protection for all fish and fish habitat - return of former prohibitions against “death of fish” and “harmful alteration, disruption or destruction” (HADD) of fish habitat;
- Authorities to improve regulatory clarity - designated projects, codes of practice, habitat banking;
- Online registry for increased transparency; and
- Clear authorities to regulate certain aspect of the inshore fishing policies respecting the issuance of fishing licences, the use and control of the rights and privileges conferred under a licence to fish; as well as the importation of fish;
- New regulatory tool to enable the Minister to protect biodiversity over the long-term;
- New tools and authorities for fishery officers.

2.2.2 Fish and Fish Habitat Protection

The major change to fish and fish habitat protection was achieved through amendments to section 35 of the *Fisheries Act*.

The pre Bill C-68 section 35(1) established a prohibition against works, undertakings or activities (WUAs) that resulted in “serious harm to fish that are part of a commercial, recreational or aboriginal fishery, or to fish that support such a fishery”. “Serious harm to fish” was defined in subs. 2(2) of the Act as being “the death of fish or any permanent alteration to, or destruction of, fish habitat.”

The new Act replaces the “serious harm” prohibition by reverting to two separate prohibitions that preceded the “serious harm” regime. Subsection 35(1) prohibits WUAs that result in the harmful alteration, disruption or destruction of fish habitat (HADD). Subsection 34.4(1) prohibits the death of fish (by means other than fishing) (DOF). Subsections 34.4(2) and 35(2) sets out a variety of means for authorizing WUAs that would contravene these prohibitions, such as a

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Ministerial authorization (subparagraphs 34.4(2)(b) and 35(2)(b)) for a proposed work, undertaking or activity. Ministerial authorization will be the most frequently used means to permit WUAs that would otherwise contravene the prohibitions.

Ministerial regulations could also be made for authorizing HADD/DOF but this authority has not yet been exercised.

Part of the amendments introduced under Bill C-68 restore a more comprehensive protection of fish habitat by making the subsection 35(1) prohibition applicable to all fish habitat (whether the fish is fished or not) and by expanding the prohibition to all harmful alteration, disruption and destruction of fish habitat.

2.2.3 Pollution Prevention

Subsection 36(3) of the *Fisheries Act* prohibits the deposit of deleterious substances into waters frequented by fish, unless the deposit is authorized by regulations, such as the *Metal and Diamond Mining Effluent Regulations* and the *Pulp and Paper Effluent Regulations*.

Changes to the *Fisheries Act* in 2012 have formalized the respective roles of the Minister and the Minister of Environment and Climate Change (MECC) with respect to subsections 36(3) to (6):

- An Order in Council has designated the MECC responsible for the administration and enforcement of subs. 36(3) to (6) of the *Fisheries Act*. However, the Minister retains administration and enforcement responsibilities in relation to:
 - the construction, operation, modification and decommissioning of, and other activity in relation to, an aquaculture facility, and the resulting effects of those activities on the waters frequented by fish; and
 - the control or eradication of any aquatic invasive species or aquatic species that constitutes a pest to the fisheries.
- A new power was introduced in 2012 to use ministerial regulations to authorize the deposit of certain deleterious substances under certain conditions (previously, deposits could only be authorized by GIC regulations). The authority to develop ministerial regulations broadens the ability for Environment Canada and DFO to manage their respective responsibilities under the Act more efficiently and effectively.

2.3 Coastal Fisheries Protection Act

The *Coastal Fisheries Protection Act* (CFPA) protects Canada's fisheries resources from foreign fishing; preserves Canada's sovereignty over Canadian fisheries waters (CFW), including Canadian ports; implements international fisheries agreements and arrangements for the conservation and management of fish and marine plants on the high seas and for combatting illegal, unreported and unregulated fishing, to which Canada is a party; and regulates access by foreign fishing vessels to CFW including to sedentary species on Canada's continental shelf.

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The *CFPA* prohibits: (1) foreign fishing vessels from entering CFW, including Canadian ports, for any purpose; and (2) any person aboard or any crew member of a foreign fishing vessel from fishing in CFW, including fishing for sedentary species (e.g. scallops, snow crab) on any portion of the continental shelf of Canada beyond the limits of CFW, unless authorized by a statute, regulation or a treaty. The *CFPA* also authorizes protection officers to exercise enforcement powers under the Act, including powers to inspect, arrest and seize foreign fishing vessels and goods.

In 1999, the *CFPA* was amended to implementing the UN Fish Stocks Agreement (UNFA) boarding and inspection scheme. The amendments provide authority for Canadian protection officers to board and inspect a fishing vessel of another state party to UNFA in designated areas of the high seas to ensure that the vessel is complying with relevant conservation and management measures.

Amendments to the *CFPA* implement the UN Fisheries and Agriculture Organization (FAO) Port State Measures Agreement (PSMA) were passed by Parliament and given Royal Assent on June 18, 2015. These amendments were declared in force on June 16, 2019. Complementary amendments to the *CFPR* were published in the *Canada Gazette, Part II* on June 26, 2019. The purpose of the PSMA is to harmonize the application of port state measures to vessels that engage in illegal, unregulated and unreported (IUU) fishing, enhance regional and international cooperation in this regard, and block the flow of IUU-caught fish into national and international markets. The PSMA stipulates minimum port state measures, although states may adopt more stringent measures. Canada ratified the PSMA on June 20, 2019.

The *CFPA* also establishes a framework and regulatory authority for implementing other international fisheries agreements to which Canada is a party, such as the Convention on the Conservation of Anadromous Stocks in the North Pacific Ocean.

2.4 Species at Risk Act

The purposes of the *Species at Risk Act* (SARA) are: to prevent wildlife species from being extirpated or becoming extinct; to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity; and to manage species of special concern to prevent them from becoming endangered or threatened.

The Minister is the “competent minister” under *SARA* for “aquatic species” (a wildlife species that is a “fish” or “marine plant” as defined in the *Fisheries Act*), except for individuals in or on federal lands administered by the Parks Canada Agency, for which the MECC is the competent minister. As competent minister, the Minister has several responsibilities with respect to protection, recovery planning and the issuance of permits, as explained below, which are

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triggered upon the species being listed on the List of Wildlife Species at Risk set out in Schedule 1 of SARA (the List).

Listing of species is initiated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), an arm's length organization that assesses the status of each species considered by it to be at risk and classifies the species as extinct, extirpated, endangered, threatened or of special concern. COSEWIC assessments are forwarded to the MECC who, after consulting appropriate wildlife management boards and the Minister as competent minister for aquatic species, makes a recommendation to the Governor in Council (GIC), as to whether the species should be added to the List, not added to the List or referred back to COSEWIC for further information or consideration. The GIC must make a decision within nine months after receiving a COSEWIC assessment of the status of a species, failing which the MECC must amend the List in accordance with COSEWIC's assessment. In practice, the Minister prepares the listing advice for the MECC.

When an aquatic species is listed as extirpated (a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild), endangered (a wildlife species that is facing imminent extirpation or extinction) or threatened (a species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction):

- The following prohibitions apply: prohibitions against killing, harming, harassing, capturing or taking individuals of such species; prohibitions against possessing, collecting, buying, selling or trading individuals of such species, or any part or derivative of such individuals; and prohibitions against damaging or destroying the residence of individuals of species listed as endangered or threatened, or listed as extirpated if a recovery strategy has recommended the reintroduction of the species into the wild in Canada.
- As competent minister, the Minister must prepare a recovery strategy that must address the threats to the survival of the species identified by COSEWIC, including any loss of habitat, and must include, among others:
 - a description of the species and its needs that is consistent with information provided by COSEWIC;
 - an identification of the threats to the survival of the species, and threats to its habitat that is consistent with information provided by COSEWIC;
 - a description of the broad strategy to be taken to address those threats;
 - an identification of the species' critical habitat, to the extent possible, based on the best available information, including the information provided by COSEWIC, and examples of activities that are likely to result in its destruction;
 - a schedule of studies to identify critical habitat, where available information is inadequate;

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- a statement of the population and distribution objectives that will assist the recovery and survival of the species, and a general description of the research and management activities needed to meet those objectives; and
- a statement or when one or more action plans in relation to the recovery strategy will be completed.
- As competent minister, the Minister must prepare an action plan which must include, among other things:
 - a statement of the measures that are to be taken to implement the recovery strategy, including those that address the threats to the species and those that help to achieve the population and distribution objectives, as well as an indication as to when these measures are to take place;
 - an identification of the species' critical habitat, to the extent possible, based on the best available information and consistent with the recovery strategy, and examples of activities that are likely to result in its destruction;
- Within 180 days after the recovery strategy or action plan that identified the critical habitat of a species is included in the Species at Risk Public Registry, the Minister, as competent minister, must make an order triggering the prohibition in subsection 58(1) of SARA against the destruction of any part of the critical habitat of the species, if the critical habitat is not legally protected under an Act of Parliament.

When an aquatic species is listed as a species of special concern (a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats), no prohibition applies. As competent minister, the Minister must prepare a management plan that must include measures for the conservation of the species that he considers appropriate.

As competent minister, the Minister may issue a permit to a person authorizing the person to engage in an activity that would otherwise contravene a SARA prohibition. The permit may be issued only if the Minister is of the opinion that certain conditions are met, including that the activity will not jeopardize the survival or recovery of the species and must contain any terms and conditions governing the activity that the Minister considers necessary for protecting the species, minimizing the impact of the authorized activity on the species or providing for its recovery.

2.5 Atlantic Fisheries Restructuring Act

The *Atlantic Fisheries Restructuring Act* (AFRA) provides that the Minister may make contributions or loans to fishery enterprises to “facilitate the development of viable Atlantic Fisheries that are competitive and privately-owned through the restructuring of fishery enterprises”. The Act does not authorize the Minister to make contributions to provinces or third parties that are not “fishery enterprises”. The AFRA applies only in Atlantic Canada and may not be relied upon for delivering the program elements elsewhere in Canada. The AFRA was used

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for the adjustment program for East Coast fishers after the cod moratorium, and the \$12M Ice Compensation Program in 2007.

2.6 Fisheries Development Act

The *Fisheries Development Act* (FDA) provides for the development of the commercial fisheries of Canada. Under this Act, the Minister may undertake projects, including jointly with a Province or a person, for the more efficient exploitation of fishery resources and for the exploration and development of new fishery resources and new fisheries. The introduction and demonstration to fishermen of new types of fishing vessels and fishing equipment and of new fishing techniques; and the development of new fishery products and for the improvement of the handling, processing and distribution of fishery products.

The FDA is used from time to time for programs involving contributions or subsidies, such as to provide gear upgrades for fishers affected by ice (in 1991), the Northern Cod Early Retirement Program (1992), the Atlantic Groundfish Strategy (TAGS) Early Retirement Program (1994), the Aboriginal Fisheries Strategy Allocation Transfer Program (1994), the Pacific Fisheries Adjustment and Restructuring (1998), and the Fisheries Access Program (1999).

2.7 Fisheries Improvement Loan Act

The *Fisheries Improvement Loan Act* gives the Minister the power to guarantee fishermen's loans made for vessels, equipment, shore installations, buildings, or any prescribed (by regulation) development or improvement of a primary fishing enterprise.

2.8 Fishing and Recreational Harbours Act

The *Fishing and Recreational Harbours Act* provides for the management and maintenance of scheduled fishing and recreational harbours that are owned by the Federal Crown.

The powers of the Minister under the Act include:

- the use, management and maintenance of scheduled harbours;
- enforcement of regulations in scheduled harbours;
- collection of charges for the user of scheduled harbours;
- entering into agreements with provinces or individuals in order to jointly undertake projects or studies, or to provide grants or contributions;
- granting leases and or licences for the use of scheduled harbours, subject to the regulations;
- designation of enforcement officers, plus powers and consequences for obstructing them;
- the removal, seizure, detention and sale of property;
- establishing regulatory offences for contravention of the Act.

2.9 Freshwater Fish Marketing Act

The *Freshwater Fish Marketing Act (FFMA)* creates a Crown Corporation, the Freshwater Fish Marketing Corporation (FFMC), for the purpose of marketing and trading in fish, fish products and fish by-products in and outside Canada and increasing returns to fish harvesters. The FFMC has a monopoly for inter-provincial and international marketing of freshwater fish from Participating Provinces; is mandated to purchase all, legally caught fish, offered; operates in a self-sustaining manner with no appropriation from Parliament; and is an agent of the Crown for all purposes. Currently the only participating provinces/territories are Alberta and the Northwest Territories. Of note is that Alberta has announced its intention to terminate its participation in the FFMC and has stopped all commercial fishing. However, they have not formally executed the Termination Agreement.

The Minister is accountable to Parliament for the FFMC. This accountability encompasses the Minister's responsibilities under the *Financial Administration Act (FAA)* and the *FFMA*, and the appointment, with GiC approval, of federal directors and provincial directors recommended by a participating province. The Chairperson and President of the FFMC are GiC appointments. The Minister reviews the FFMC Board's corporate plans and submits them to Treasury Board for approval. The Board of Directors of the FFMC is accountable to the Minister. The President of the FFMC is accountable to the Board for the management of the corporation. The Minister's role is limited to assessing the FFMC's mandate and effectiveness as a policy instrument; and providing broad policy direction to the FFMC unless the Minister issues a directive to the Board under the *FAA*.

2.10 Great Lakes Fisheries Convention Act

The purpose of the *Great Lake Fisheries Convention Act (GLFCA)* is to implement the Convention on Great Lakes Fisheries between Canada and the United States of America. The Convention establishes the Great Lakes Fishery Commission with members from both countries. The Commission has powers with regard to research, measures based on research, the sea lamprey eradication/minimization program, and publication of scientific information.

2.11 Oceans Act

Part I of the *Oceans Act* provides for Canada's Maritime Zones, including the territorial sea and contiguous zone, the internal waters of Canada, the exclusive economic zone, and the continental shelf.

Part II of the *Oceans Act* is the portion of the Act pursuant to which the Minister adopted Canada's Oceans Strategy, a far-reaching policy framework reflecting Canada's vision for modern oceans management. It is also under this Part II that authority is found to make regulations or Ministerial orders designating Marine Protected Areas and prescribing conservation and protection measures specific to the area in question. Regulations and orders

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made under this Part of the *Oceans Act* will also support Canada's objective to increase the proportion of Canada's marine and coastal areas that are protected to ten percent by 2020. Thus far, fourteen Marine Protected Areas (MPAs) have been designated under the *Oceans Act*.

Part III of the *Oceans Act* provides for the Powers, Duties and Functions of the Minister, making him responsible for oceans and all federal matters related to oceans not assigned by law to another department, board or agency of the Government of Canada. This Part provides for the mandate of the Minister, related to Coast Guard services and the Marine Sciences functions, which include fisheries science, hydrography and oceanography.

3 Legislative Framework related to the Canadian Coast Guard

The powers of the Minister, related to Coast Guard services derive primarily from: the *Department of Fisheries and Oceans Act*; the *Oceans Act*; the *Canada Shipping Act, 2001*; the *Arctic Waters Pollution Prevention Act*; and the *Wrecked, Abandoned or Hazardous Vessels Act*. These statutes are discussed below.

3.1 Department of Fisheries and Oceans Act

The Canadian Coast Guard is a Special Operating Agency (SOA) within the Department of Fisheries and Oceans since April 1, 2005. As an SOA, the CCG uses common services of DFO such as Finance, Human Resources, Legal Services and Real Property, Safety and Security. CCG has its own Treasury Board approved spending authorities and flexibilities required to deliver on its operational mandate as set out in section 41 of the *Oceans Act*.

3.2 Oceans Act

Part III of the *Oceans Act* provides for the Minister's powers with regard to Coast Guard services. These include the provision of aids to navigation, marine communications and traffic management services, ice breaking, channel maintenance, marine search and rescue, marine pollution response, and the support of federal departments through the provision of ships, aircraft and other marine services.

3.3 Canada Shipping Act, 2001

The Minister of Transport is responsible for the *Canada Shipping Act, 2001*. This statute provides the Minister with specific powers and responsibilities and a definition of their scope in marine search and rescue, Vessel Traffic Services, aids to navigation (including lighthouses and buoys), and response to ship-source marine pollution spills, including oil pollution. These powers and responsibilities are exercised by the Coast Guard.

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The ship-source marine pollution response regime established under this Act is complemented by the liability and compensation regime established under the *Marine Liability Act*, which the Coast Guard relies on to recover some of its costs from ship owners or the Ship-source Oil Pollution Fund.

Finally, the CSA 2001 provides that the Minister is responsible for the *International Convention on Maritime Search and Rescue, 1979* and, jointly with TC, the *International Convention on Oil Pollution Preparedness Response and Cooperation, 1990*.

3.4 Arctic Waters Pollution Prevention Act

The objective of the *Arctic Waters Pollution Prevention Act* (AWPPA) is to promote exploitation and transport of the natural resources of the Arctic in a manner that takes cognizance of Canada's responsibility for the welfare of the Inuit and other inhabitants of the Canadian Arctic and the preservation of the peculiar ecological balance that now exists in the water, land and areas of the Canadian Arctic. It applies to "arctic waters", defined to mean the internal waters of Canada, the waters of the territorial sea of Canada, and the exclusive economic zone of Canada in the Arctic. Some powers and responsibilities of the Governor in Council under the AWPPA are delegated through an Order in Council to three ministers: the Minister of Transport, the Minister of Indigenous and Northern Affairs, and the Minister Natural Resources. An Order made pursuant to the AWPPA prescribes certain areas of the Canadian Arctic waters as Shipping Safety Control Zones. Some officers of the Coast Guard, Environmental Response are designated "Pollution Prevention Officers" under the AWPPA and have inspection and enforcement powers.

3.5 Wrecked, Abandoned or Hazardous Vessels Act

As part of the Oceans Protection Plan, the *Wrecked, Abandoned or Hazardous Vessels Act* came into force on July 30, 2019. The Minister of Transport is responsible for this Act, which provides authorities to the two Ministers. The Minister, through the Coast Guard, has authority and powers to deal with hazardous vessels and with dilapidated vessels on the Minister's property, including authorities for removing or destroying such vessels. The owner of the vessel is liable for costs and expenses incurred by the Coast Guard in dealing with the vessel. The Act incorporates the *International Convention on Removal of Wrecks* into Canadian law.

3.6 Impact Assessment Act

The Minister does not administer the *Impact Assessment Act* but is often required to participate in resource development project reviews. The IAA also makes distinctions between "designated projects" and "projects". Under the IAA, the Impact Assessment Agency is responsible for conducting impact assessments of "designated projects".⁶ Impact assessments may also be conducted by a review panel.

⁶ "Designated projects" are those projects identified in the *Regulations Designating Physical Activities*.

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“Projects” are not “designated projects” under the IAA. They are physical activities that are carried out on federal lands or outside Canada in relation to a physical work.

Under the IAA, the Minister is not subject to the duty to ensure the conduct of an impact assessment. However, the Minister remains a “federal authority” under the IAA and, in this capacity, is required to provide expert information or advice (usually relating to environmental effects on fish and fish habitat) if requested by the Agency or review panel carrying out the impact assessment of a designated project. No power, duty or function can be exercised by the Minister that would enable the designated project to proceed in whole or in part until the assessment is completed and a decision is made that the project:

- is not likely to result in significant adverse environmental effects; or
- is likely to result in significant adverse environmental effects but the Governor in Council determined that such effects are justified in the circumstances.

Similarly, Under the IAA, “projects” proposed to be carried out on federal lands or outside Canada will often be subject to a determination as to whether or not they will likely result in significant adverse environmental effects. As a federal authority who may be called to carry out a project on federal lands or exercise a power, duty or function with respect to such project, the Minister of Fisheries, Oceans and the Canadian Coast Guard must first determine if the project is likely to cause significant adverse effects before being able to exercise such authority over the project. If the Minister determines that the project is likely to result in such adverse effects, the matter must be referred to the Governor in Council for a decision whether these significant adverse environmental effects are justified in the circumstances. The Minister will be prevented from promoting the project or exercising any power, duty or function towards the project if the GiC decides that the adverse effects are not justified. A similar process will have to be followed for projects that the Minister wants to carry out outside Canada or for which he proposes to provide financial assistance.

Annex A: Legislative Amendments

1. Fisheries Act

Bill C-68 received Royal Assent on June 21, 2019. Some provisions of the Bill, including the new fish and fish habitat protection provisions, will not come into force at Royal Assent. They will come into force on August 28, 2019.

A key feature of the new Act is the introduction of a purpose provision stating that the purpose of the Act is to provide a framework for the proper management and control of fisheries and the conservation and protection of fish and fish habitat. When making any decision under the Act, the Minister will also have a statutory duty to consider any adverse effects that such a decision could have on the rights of the Indigenous peoples of Canada, as recognized and affirmed by section 35 of the *Constitution Act, 1982*.

1.1 Habitat Protection

One of the major changes to the Act involves the habitat protection provisions (section 35 related provisions). The current regime, as a result of the 2012 amendments to the Act, only offers limited protection to the habitat of fish in that it only prohibits the permanent alteration or destruction of fish habitat and such protection only applies to the fish habitat of fish that are part of a commercial, recreational or Aboriginal fisheries, or to fish that support such a fisheries.

Under the new Act, the scope of the protection will revert to the pre-2012 protection regime and expand the prohibition to all harmful alteration, disruption and destruction (HADD) of fish habitat. Furthermore, the protection will apply to the habitat of all fish species, whether fished or not. The death of fish by means other than fishing will be prohibited in a separate section.

Other significant changes to the habitat protection provisions of the Act will include such things as:

- An expansion of the factors that must be considered by the Minister before issuing a paragraph 35(2)(b) authorization allowing a work or activity that causes a HADD to proceed;
- Formal statutory powers allowing the Minister to amend, suspend or cancel such authorization;
- The development of Standards and Codes of Practice to guide the proponents of smaller routine projects;
- A legislative regime to guide the developing practice of habitat banking (where proponents get credits for fish habitat restoration work done before projects are undertaken);
- The creation of a new class of large "designated projects" that must receive special permits;

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- New provisions for the creation of special protected areas known as Ecologically Significant Areas and for the creation of a public registry that will facilitate access to records relating to the fish and fish habitat protection and pollution prevention matters.

1.2 **Fisheries Management**

Bill C-68 makes several amendments to fisheries management provisions, which:

- Clarify that the *Fisheries Act* applies in Canada, and also in Canadian fisheries waters (CFW) and, with respect to sedentary species, any portion of the continental shelf of Canada that is beyond the limits of CFW;
- Provide that the Minister may take socio-economic and cultural factors into consideration in making decisions under the Act;
- Provide an authority for the Minister to establish advisory panels;
- Require that the Minister implement measures to maintain major fish stock at or above the level necessary to ensure the sustainability of the stock. If a major fish stock declines at or below its limit reference point (LRP), the Minister shall develop a plan to rebuild the stock above that LRP;
- Provide the authority to cancel or suspend a fishing licence where the Minister determines that the licence holder is party to an agreement that contravenes the Act or where the licence holder is in default of payment of a fine in relation to a contravention of the Act;
- Provide authority for the Minister to make Fisheries Management Orders prohibiting or limiting fishing activities in a given area of Canadian fisheries waters in order to address threats to the conservation and protection of fish in a prompt manner;
- Provides a fee setting scheme for services, use of facilities, products, cost recovery, rights and privileges and regulatory processes;
- Prohibit the fishing for a cetacean with the intent to keep it in captivity (unless authorized by the Minister when, for instance, the cetacean is injured or into distress or in need of care);
- Prohibit the importation or exportation of a living cetacean, except that the Minister may issue a permit authorizing the importation or exportation of a living cetacean if the permit is for the purpose of conducting scientific research or keeping the cetacean in captivity if it is in the best interests of the cetacean's welfare to do so;
- Prohibit the practice of shark finning;
- Prohibit the importation or exportation into or from Canada of shark fins or parts of shark fins not attached to a shark carcass, except that the Minister may authorize such importation or exportation for the purpose of scientific research;
- Clarify certain Governor in Council regulations making authorities and provides for new ones, such as making regulations with respect to:
 - the rebuilding of fish stocks;

SOLICITOR/CLIENT PRIVILEGE

- the circumstances under which the holder of a licence is required to personally carry out the fishing activities;
 - the use and control of the rights and privileges under licence to fish; and
 - the import of fish.
- Provides a new authority for the Minister to make regulations with respect to fishing, for the purposes of the conservation and protection of marine biodiversity;
- Provide for an alternative measures scheme, other than judicial proceedings, to deal with a person alleged to have committed an offence under the Act;
- Provide for the authority for fishery officers to exercise their powers, duty and function under the Act in a foreign State, subject to the consent of that State; and
- Otherwise modernizes the powers of fishery officers and address issues that arose out of court decisions.

2. Oceans Act and the Canada Petroleum Resources Act

Bill C-55 proposes amendments to the *Oceans Act* and the *Canada Petroleum Resources Act* (CPRA). The Bill was introduced in the House on June 15, 2017, and has most recently been referred to the Senate SCOFO. The proposed amendments will help expedite the designation process of Marine Protected Areas (MPAs) to achieve Canada's marine conservation targets by 2020.

The most important amendments in the Bill will allow the Minister to designate MPAs by way of Ministerial Order, on an interim basis, for a period not exceeding 5 years. The Order will have the effect of prohibiting most new activities that have not been conducted within the area over the year preceding the coming into force of the Order. This authority will allow the Minister to effectively "freeze the footprint" of a given area until further studies and measures can be identified to secure sustainable activities in that area. Within the 5-year timeframe, the Minister shall either recommend that a permanent Marine Protected Area be established through Governor in Council regulations or determine that the Ministerial Order be repealed.

Other significant changes to the *Oceans Act* include:

- A new requirement that the Minister and the Governor in Council not use lack of scientific certainty regarding the risks posed by any activities as grounds for postponing or refraining from designating an MPA;
- Modernization of the legislative text to more clearly reflect the Minister's responsibility to establish a national network of protected areas;
- Modernization of enforcement officer powers, including the application of certain enforcement provisions to ships;
- Updates to the fines provisions to better align with the *Environmental Enforcement Act*; and

SOLICITOR/CLIENT PRIVILEGE

- Creation of new offences for engaging in prohibited activities within a Marine Protected Area designated by order, and for failing to comply with directions to ships, detention orders, and compliance orders.

This enactment also makes related amendments to the CPRA to, among other things:

- Expand the authority to issue a prohibition order to prohibit an interest owner from commencing or continuing oil or gas exploration / production related work in a Marine Protected Area designated under the *Oceans Act*; and
- Create a new authority to allow for the surrender or cancellation of an interest that is located in an area designated, or that may be designated, as a Marine Protected Area under the *Oceans Act*, and to determine the compensation for the surrender or cancellation of such interest.

3 Wrecked, Abandoned or Hazardous Vessels Act

As part of the Oceans Protection Plan, Bill C-64 will enact the *Wrecked, Abandoned or Hazardous Vessels Act*. The Bill passed third reading before the Senate with one amendment, and has been returned back to the House. When adopted, this Act will provide authorities to the Minister of Fisheries and Oceans, represented by the CCG, to deal with abandoned or hazardous vessels, including their removal and destruction. The owner of the vessel will be liable for costs and expenses of measures related to the hazard caused by the vessel. The Act will also create offenses for abandoning a vessel. It will incorporate the International Convention on Removal of Wrecks into Canadian law. The responsibilities of the Act will be shared between DFO and Transport Canada.

4 Canada Shipping Act, 2001 (CSA, 2001)

As part of the Oceans Protection Plan, the CSA, 2001 was amended to strengthen the Coast Guard's authorities and permit more pro-active responses in cases of potential pollution. These amendments came in to force on December 13, 2018.

5 Marine Liability Act (MLA)

Another part of the Oceans Protection Plan included amendments to the MLA. The Minister of Transport is responsible for this Act, which implements in Canada the international liability and compensation conventions adopted under the auspices of the International Maritime Organisation. This Act also creates the Ship-source Oil Pollution Fund (SOPF) and provides for the strict liability of the owner of the polluting vessel for the damages and the costs of response. The Coast Guard recovers its pollution response costs and expenses under this Act, from the SOPF or the owner of the vessel. The amendments include:

SOLICITOR/CLIENT PRIVILEGE

- authority for the SOPF to reimburse the Coast Guard for the costs and expenses it incurred before the oil pollution threat becomes grave and imminent (the international regimes cover costs and expenses incurred when the pollution threat becomes grave and imminent);
- creation of a process for advanced emergency funding for significant oil pollution incidents; and
- a "fast- track" claims process at the SOPF for claims not exceeding \$35k.

These amendments came into force on December 13, 2018.

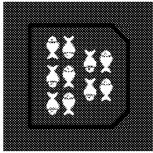
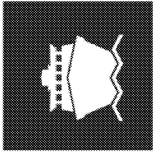
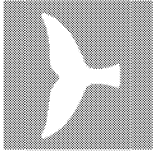
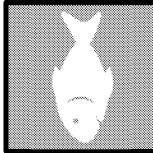
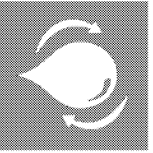
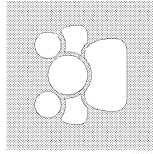


Current Issues Overview

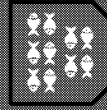


Purpose

To provide an overview of **current issues** that will require the Minister's **consideration** early in the Government's mandate.

 Aquaculture Management <ul style="list-style-type: none">❖ Challenges enabling an environmentally sustainable and economically successful sector	 Shipbuilding <ul style="list-style-type: none">❖ Meeting long-term operational requirements through the National Shipbuilding Strategy	 Protecting Whales <ul style="list-style-type: none">❖ Addressing increased incidences of whales exposed to threats in Canadian waters
 Conserving Wild Salmon <ul style="list-style-type: none">❖ The sustainability of Pacific and Atlantic wild salmon stocks	 Trans Mountain Pipeline Expansion <ul style="list-style-type: none">❖ Ongoing implications for the Department with respect to environmental assessment	 Freshwater Fish Marketing Corporation <ul style="list-style-type: none">❖ The transformation of the Department's only Crown corporation

Aquaculture Management



Challenges in enabling an environmentally sustainable and economically successful sector

Key Issues:

1. Some provinces and coastal communities (including Indigenous communities) see aquaculture as **key to economic growth**.
2. Funding for the Sustainable Aquaculture Program **will sunset this fiscal year**.
3. Some stakeholder concerns with the possible/perceived environmental impacts of open-net pens (i.e., cages) and the **siting of fish farms**.
4. Inconsistent regulatory regime that contributes to **uncertainty for the aquaculture industry** in different regions of the country.

Considerations:

- Enhancing how the Department pursues aquaculture management and enables sustainable growth in the sector, including through the **development of a new Aquaculture Act**.
- Advancing an approach that recognizes and addresses the distinctions between **Atlantic and Pacific coasts**.



Shipbuilding



The National Shipbuilding Strategy (NSS) is moving forward to meet long-term operational requirements

Key Issues:

1. Existing ships are nearing the end of their **maximum service life**.
2. Large **ship procurement** takes up to 8-10 years to complete.

Considerations:

- The Coast Guard will build **29 new large ships**, which include science vessels, icebreakers, multi-purpose vessels, and patrol ships.
- Significant recent investments in **interim measures**, including extending the life of the fleet and acquiring ships to back-fill while existing ships undergo life extension work will ensure critical missions are delivered while the new ships are being built.
- The Government recently launched a competitive process to add **a third Canadian shipyard** to help ensure the timely delivery of the new six icebreakers.
- The **recapitalization of the aging small vessel fleet** is being prioritized.



Protecting Whales



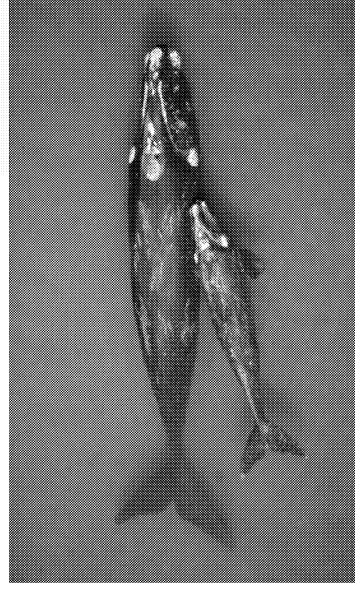
Recent years have seen increased incidences of whales being exposed to threats in Canadian waters

Key Issues:

1. **North Atlantic Right Whale:** collisions with vessels, entanglement in fishing gear, and underwater noise. Nearly two dozen deaths have been reported since 2017.
2. **Southern Resident Killer Whale:** reduction in prey availability (e.g., Pacific salmon), contaminants, acoustic and physical disturbance, and ship strikes.
3. **St. Lawrence Estuary Beluga:** pollution, reduced food sources, disturbance by humans, habitat degradation, ship strikes, and entanglement in fishing gear.
4. **Blue Whale:** recent deaths have ignited calls for greater protections and better information about the underlying causes.

Considerations:

- DFO has been working with the U.S. government (NOAA) and federal partners (e.g., Transport Canada) to develop **mitigation measures** and respond to incidences such as entanglements.
- Taking action has **important economic implications for fishers**, such as maintaining global sustainability certifications and international market access.



Conserving Wild Salmon



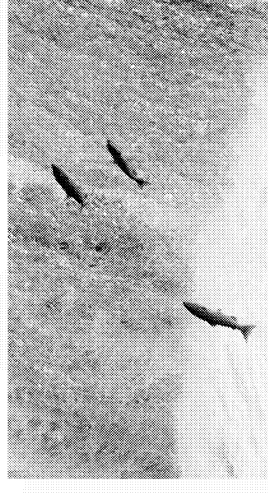
The Sustainability of Pacific and Atlantic Wild Salmon Stocks

Key Issues:

1. Nationally, **wild salmon populations continue to decline due to increased pressures on the resource**, including challenges associated with meeting the needs of Indigenous groups, recreational fishers, and commercial harvesters.
2. There are **important differences** with respect to managing salmon stock recovery:
 - ❑ **Pacific:** ongoing commercial fishery with continued stock declines requiring DFO to implement fisheries closures that have substantial socio-economic impacts.
 - ❑ **Atlantic:** no commercial fishery but abundance is at historically low levels with little signs of recovery despite a fishing moratorium in place since 2000.

Considerations:

- In 2019, DFO began implementing measures along the BC coast to **conserve Pacific salmon** populations.
- There is an opportunity to align best practices and **pursue a national approach** for both Atlantic and Pacific species.
- Other fisheries across Canada face similar **fisheries management challenges**.



Trans Mountain Pipeline Expansion



The Trans Mountain Expansion (TMX) Project has ongoing implications for the Department with respect to environmental assessment

Key Issues:

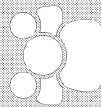
1. **Mitigating Impacts on Southern Resident Killer Whales (SRKW):** specific focus is on the effectiveness of mitigation measures aimed at avoiding or reducing impacts from Project-related marine vessels on the SRKW; existing and proposed Project-related marine vessel traffic are expected to intersect critical habitat for SRKW.
2. In September 2019, the Federal Court of Appeal ruled that **six court challenges related to consultation with Indigenous communities can proceed.**

Considerations:

- DFO will **continue to monitor management measures** to protect SRKW and adjust as needed.
- There is **ongoing public opposition** to the Project, including among Indigenous communities.
- The Government has reached out to Indigenous groups to **invite communities to meet and discuss next steps.**



Freshwater Fish Marketing Corporation



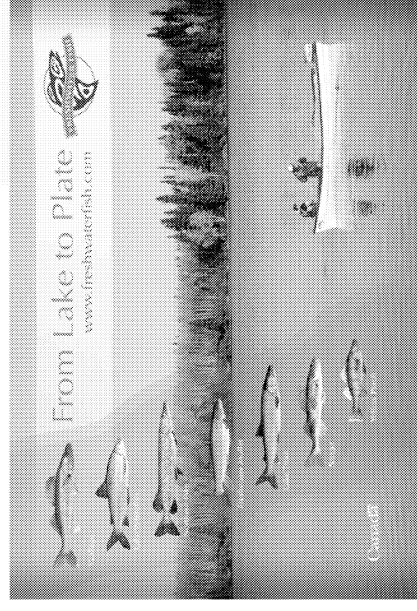
The Transformation of the Department's Only Crown Corporation

Key Issues:

1. In June 2019, the Ministerial Advisory Panel on the Freshwater Fish Marketing Corporation (FFMC) recognized **the potential for a harvester-led model for the inland fisheries**, and recommended the appointment of an interlocutor to help facilitate the transformation process.
2. In September 2019, an interlocutor was appointed to work with harvester associations, co-operatives, and other partners to **assess the industry's willingness and capacity to sustain and co-operate under a harvester-led model**.

Considerations:

- By January 2020, a committee of representatives from the fishing industry will be established to **improve communications and information-sharing within both industry and the FFMC**.
- The aim of the transformation process is to **promote industry-led solutions** that support harvester ambitions for the future of the inland fishery.





Crown-Indigenous Relationship Overview

Purpose

- 1 Provide an overview of Indigenous rights and how they pertain to your mandate
- 2 Outline departmental initiatives and programs supporting Indigenous rights and relationships

Aboriginal and Treaty rights are the foundation of the Government's relationship with Indigenous peoples...

"The existing Aboriginal and Treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed"

- Section 35(1) of the *Constitution Act, 1982*

Aboriginal
and treaty
rights are:

- **Collective, not individual rights:** held by the Indigenous group, but may be exercised by members
- **Specific in nature, not general:** fishing rights are site-specific, group-specific, and species-specific

- Arise from **traditional use or occupation of lands and resources**.

→ Practices, traditions, and customs integral to the distinctive culture of the Aboriginal group claiming the right that existed prior to contact with the Europeans (for First Nation and Inuit groups) and prior to effective European control (for Métis groups).

→ **Aboriginal title** is a unique right to "exclusive" use and occupation of land that existed prior to assertion of sovereignty by Europeans.

- May be set out in **court decisions**.
- May be set out in **historic or modern treaties** (i.e. land claims agreements).

NOTE: Government of Canada guidance recommends the use of "Aboriginal" in titles, quotes, official names, legal matters or when referring to matters in the context of Section 35 of the *Constitution Act, 1982*.

... and give rise to duties and responsibilities that must be upheld.

Government is subject to the constitutional duty to consult and accommodate, and the requirement to justify any infringements of rights.



Duty to consult

Where the Crown contemplates **conduct that might have an adverse impact** on established or potential Aboriginal or treaty rights, it has a **legal duty to consult** with those Indigenous groups who hold (or potentially hold) those rights, and, where appropriate, accommodate their interests or concerns.



Duty to justify infringements of rights

Where legislation, its implementation or other government action **infringes an Aboriginal or treaty right**, the infringement must be **justified in accordance with the test set out by the Supreme Court of Canada**.

DFO and the Coast Guard have an important relationship with Indigenous peoples...

The **Minister of Fisheries and Oceans** is responsible for:

- **Fish access and allocation**, including to Indigenous communities and organizations
- **Management** of Indigenous fisheries
- Decisions on **major project proposals**
- Responding to **litigation** involving Indigenous rights
- Negotiating and implementing **treaties and other time-limited agreements**

Fisheries in Canada are...

- ✓ Of great social, cultural, and economic significance to many Indigenous communities
- ✓ A public resource to which Indigenous peoples have unique rights and interests
- ✓ An important focus at Treaty and other negotiating tables
- ✓ An economic driver and opportunity for self-determination for Indigenous peoples



Spotlight: Coast Guard

The Coast Guard works in partnership with Indigenous coastal communities to ensure marine safety. In particular, some Indigenous communities play a key role in the Coast Guard Auxiliary by responding to emergencies in their local waters.

... that has been shaped by court decisions and treaty obligations.

Court Decisions:

- ✓ Indigenous peoples have an Aboriginal right to fish for food, social and ceremonial purposes (FSC)
- ✓ Indigenous peoples have an Aboriginal right to fish for commercial purposes in specific circumstances

See **Annex A** for more information on foundational court decisions

Treaty Obligations:

- ✓ Fisheries-related issues are often a key component of treaty negotiations
- ✓ Fisheries and Oceans Canada (DFO) works to implement over 2,700 obligations arising from 25 modern treaties.

See **Annexes B and C** for more information on historic and modern treaties

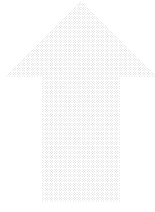
DFO and Coast Guard's relationships with Indigenous peoples have changed over time...

From a relationship built on
**responding to rights
recognized through court
decisions** related to fisheries...

... to **proactively building relationships**
that enable the expression of rights and
interests across a wider array of
portfolio activities.

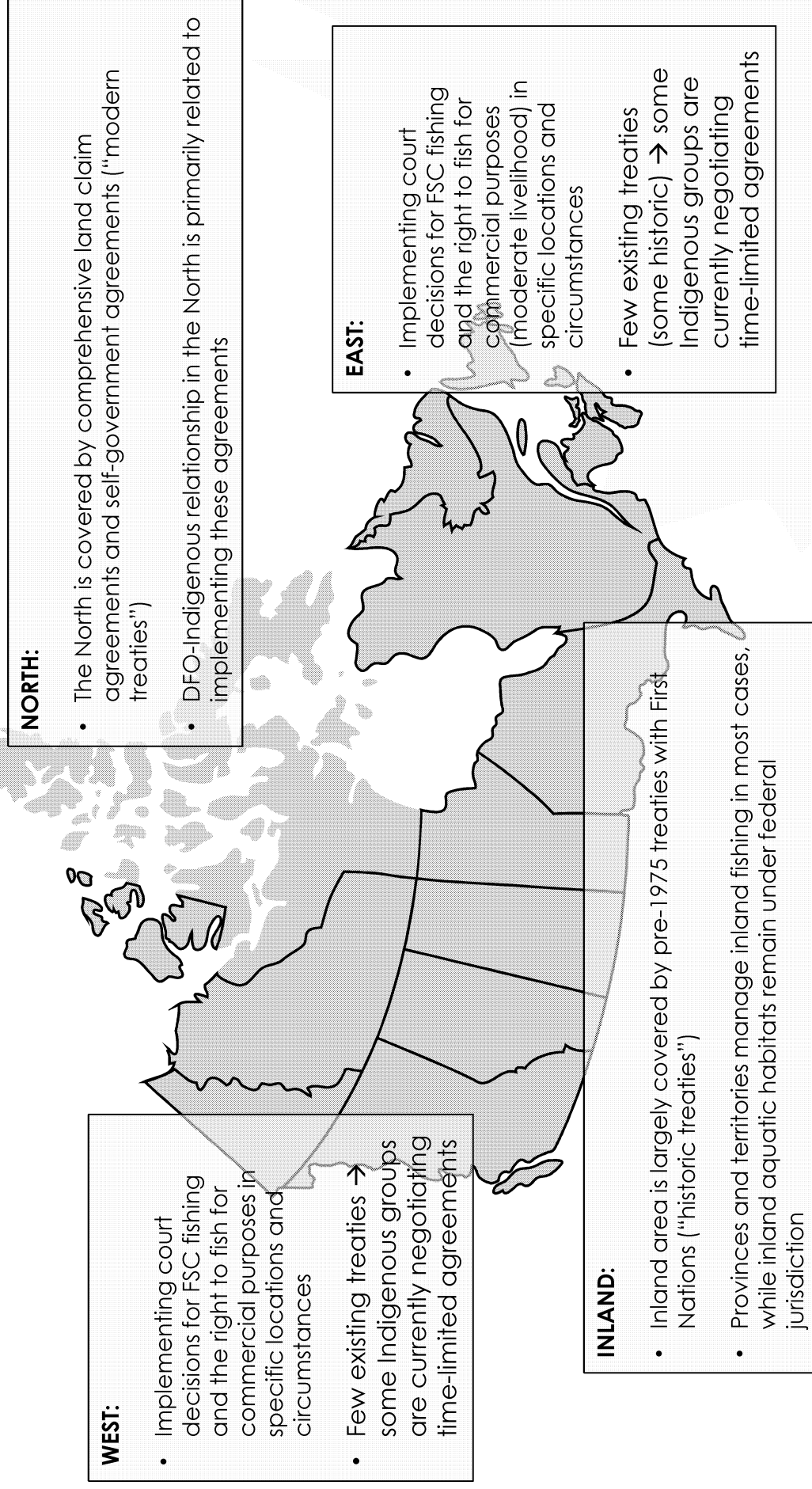
→ Policies and programs that supported **collaborative management and increased fish access** (e.g., Aboriginal Fisheries Strategy / Allocation Transfer Program, Marshall Response Initiative); and

→ **Rights-based discussions** at mainly Treaty negotiating tables.

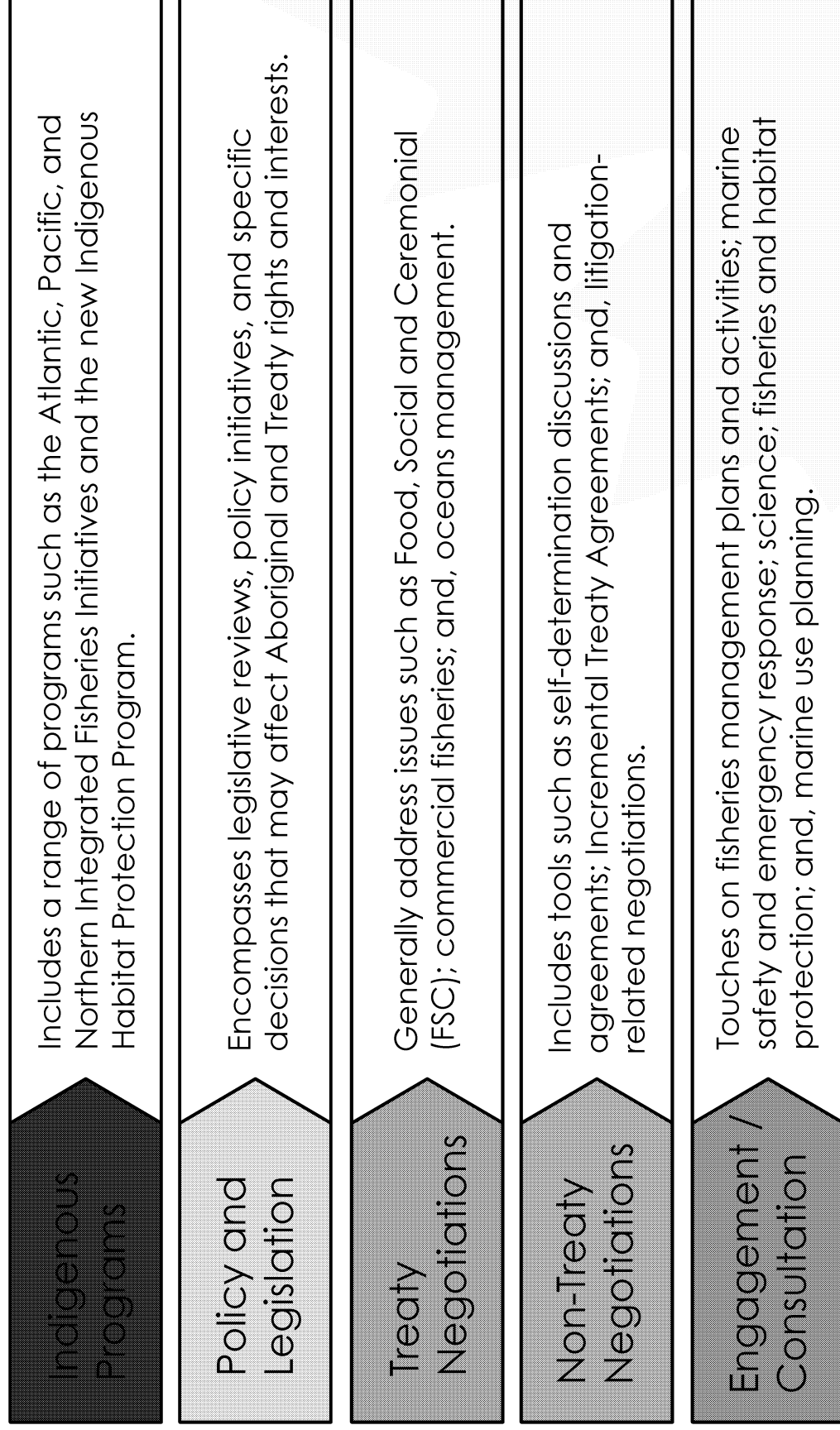


- **New programs** have been proactively introduced (e.g., Atlantic, Pacific, and Northern Integrated Commercial Fisheries Initiatives, Oceans Protection Plan;
- Negotiating tables have moved toward the **recognition of rights and interests** as a starting point for negotiations;
- There are more **options for non-Treaty agreements**;
- **Engagement and relationship-building** has increased across the portfolio; and
- Indigenous issues are increasingly **considered in all areas** of the portfolio.

... and have a strong regional and operational dimension.



The department has a range of tools to support renewed relationships and partnerships



Key areas of work moving forward

- ❑ Participating in fisheries, oceans, aquatic habitat, and marine waterways negotiations at **over 50 negotiation tables**
- ❑ Exploring new approaches for **fisheries collaborative management** in partnership with Indigenous groups
- ❑ Developing **internal and external capacity** for ongoing collaboration with Indigenous partners
- ❑ Implementing the **DFO-Coast Guard Reconciliation Strategy** and accompanying results model

Spotlight: Indigenous Expectations

DFO is seeking to deliver results in the context of **high expectations from Indigenous peoples** for increased and diversified economic opportunities and a greater role in decision-making and management activities, including:

- **More access** to fish for FSC and commercial purposes as well as aquaculture opportunities;
- **Flexibility** to choose how to fish;
- **Means** with which to harvest, add value, grow, and diversify economically;
- **More control** in their traditional territories and waters through joint or shared decision-making; and,
- **More direct involvement** in fisheries, oceans, aquatic habitat, and marine waterways management activities

Annex A: Key Foundational Court Decisions relevant to Fisheries

Canadian courts have found key Aboriginal rights related to fisheries.

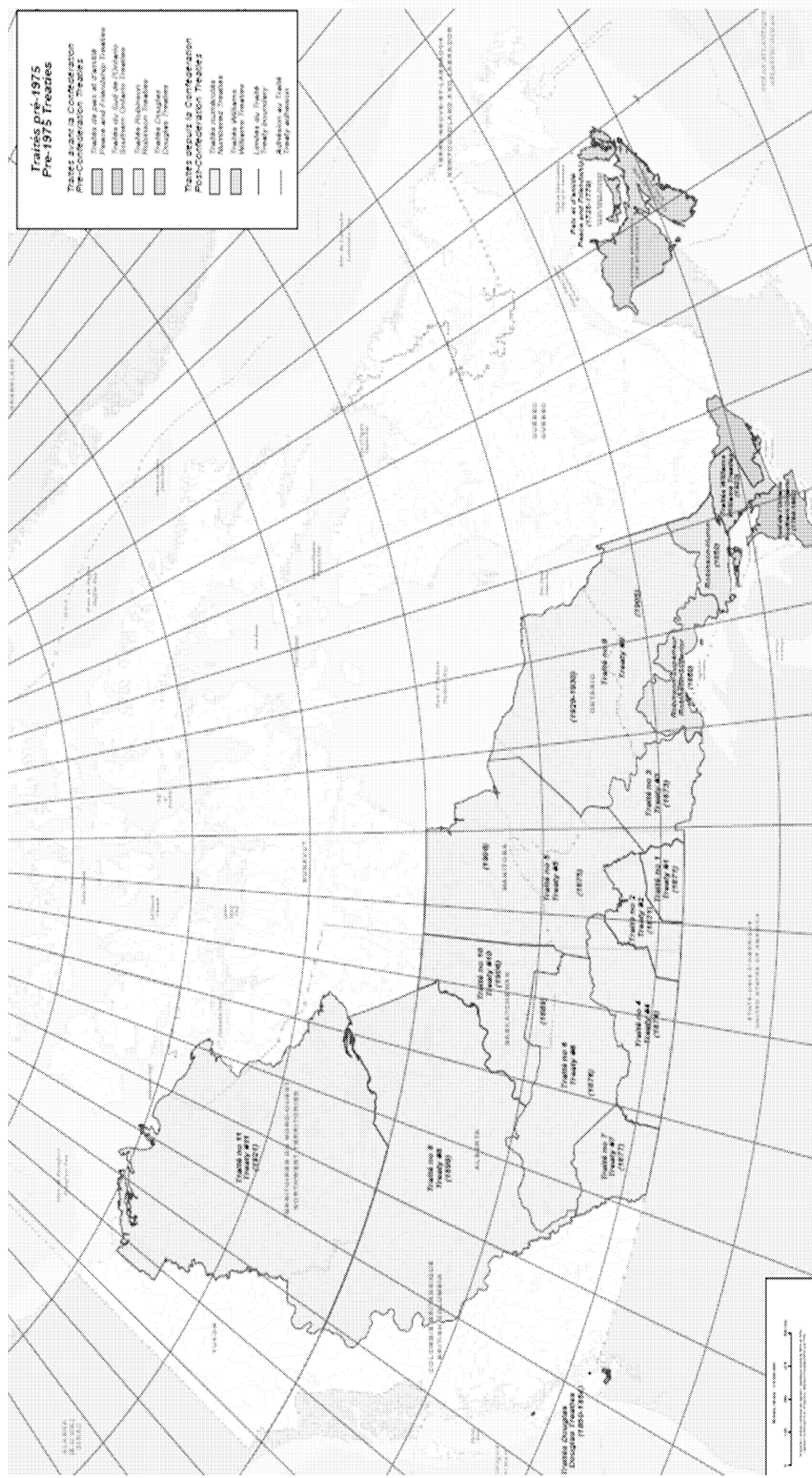
Right to fish for food, social and ceremonial purposes

- **R. v. Sparrow (1990)**: found that the Musqueam Indian Band (British Columbia) has an Aboriginal right to fish for food, social and ceremonial purposes (FSC) under section 35(1) of the *Constitution Act, 1982*.

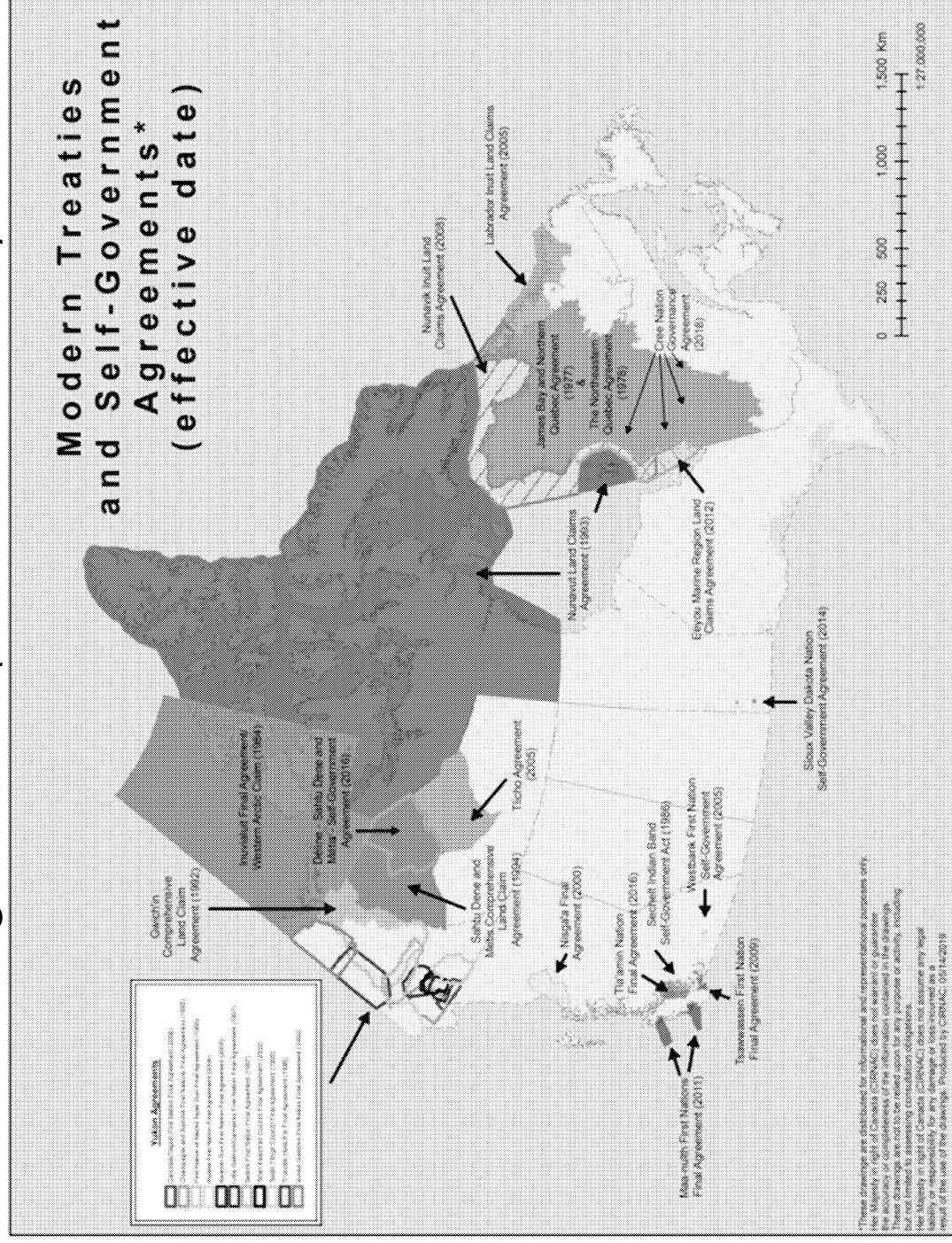
Right to fish for commercial purposes (in specific circumstances)

- **R. v. Gladstone (1996)**: Heiltsuk (British Columbia) have an Aboriginal right to harvest and sell herring spawn on kelp.
- **R v. Marshall (1999)**: Mi'kmaq, Maliseet and Passamaquoddy have a treaty right to hunt, fish, and gather in pursuit of a moderate livelihood within their traditional territory (decision affects 35 Indigenous groups in Atlantic Canada, Eastern Quebec).
- **Ahousaht Indian Band and Nation v. Canada (2009 / 2018)**: Plaintiffs have a right to fish in their court-defined territories and sell that fish into the commercial marketplace (British Columbia).

Annex B: Map of “Historic Treaties” (pre-1975)



Annex C: Map of Comprehensive Land Claim Agreements and Self-Government Agreements (“Modern Treaties”)



Science at DFO



Purpose

1

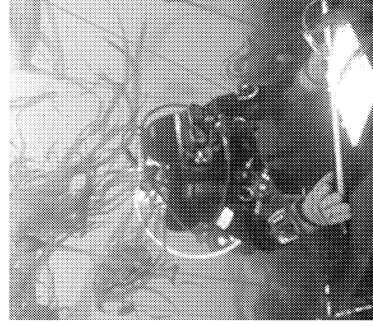
Provide an overview of science at Fisheries and Oceans
Canada (DFO)

2

Outline DFO's scientific footprint

3

Highlight how DFO Science provides evidence-based advice
to support you in your role



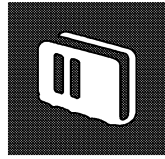
The Role of Science at DFO

DFO science provides information, analysis, and advice on key areas.

- ✓ Sustainable fisheries
- ✓ Species protection and recovery
- ✓ Impacts of aquaculture on ecosystems
- ✓ Environmental and risk assessments
- ✓ Oceans management
- ✓ Safe navigation in Canada's waterways
- ✓ Science to support emergency response

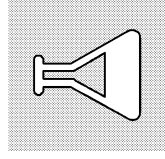


Core Science Functions



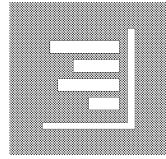
Research

Produces the evidence base to inform management decisions



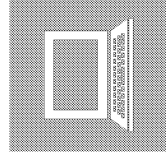
Program Monitoring

Ongoing long-term data help us understand and react to changes in our waters



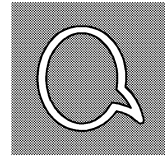
Scientific Data

Generate data that is accessible, usable, and of known quality



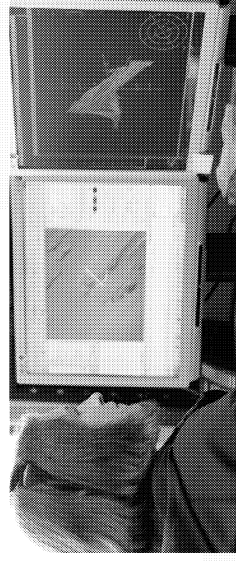
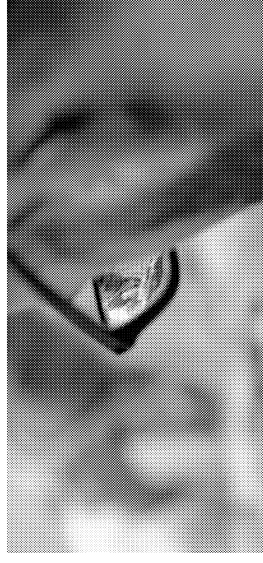
Data Products and Services

Hydrographic products and surveys (e.g., digital charts)



Science Advice

Supports evidence-based decision-making



DFO Scientists – Who We Are

**A highly skilled workforce, with science expertise spanning
all areas of fisheries and ocean science**

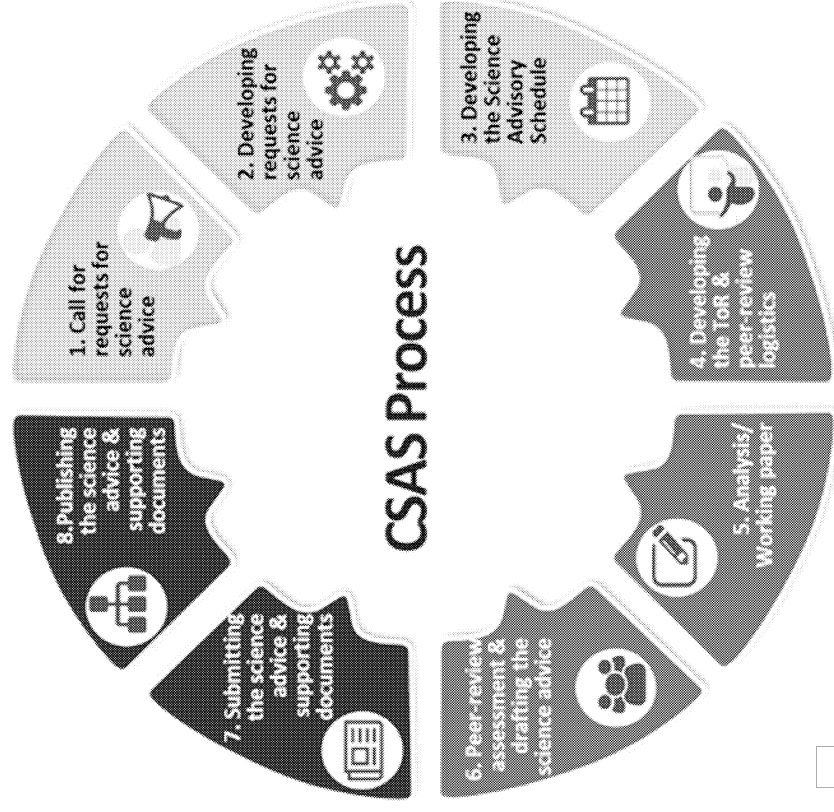
- ❖ **Approximately 2,000 staff**
- ❖ **Research institutes/labs** across Canada
- ❖ **Science at-sea** field component
- ❖ Science **collaborations** and partnerships



Science Advice

Our science advice supports evidence-based decision-making

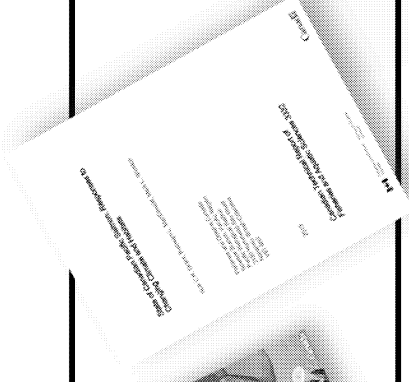
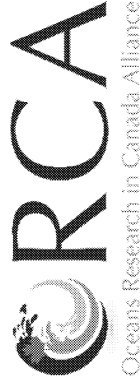
- ❖ The Department's **Canadian Science Advisory Secretariat (CSAS)** provides you with peer-reviewed advice
 - ❑ Provides the challenge function to generate, document, and communicate science advice
 - ❑ Over 120 events and 230 – 300 publications annually
- ❖ Process includes **external experts**
- ❖ CSAS documents are published to ensure transparency



Science and Innovation

Taking a Collaborative Approach

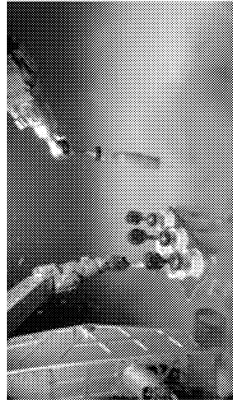
- ❖ Oceans Research in Canada Alliance
- ❖ Science Enterprise Centres
 - ❑ Multi-partner / collaborative
 - ❑ Pacific and Atlantic



Communicating our science

- ❖ State of the ocean reporting
- ❖ Supporting #opendata

Science for Today and Tomorrow



High Quality Science

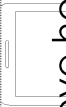
Continue to deliver **quality science** for decision-making about our oceans and aquatic ecosystems



Leading Research

Conduct **research** that addresses current and emerging issues, including:


- ❖ Sustainable Aquatic Ecosystems
- ❖ Safe Shipping
- ❖ Aquaculture
- ❖ Changing Ocean Conditions
- ❖ Blue Economy



Enhanced Communication

Improve how we **communicate** our science

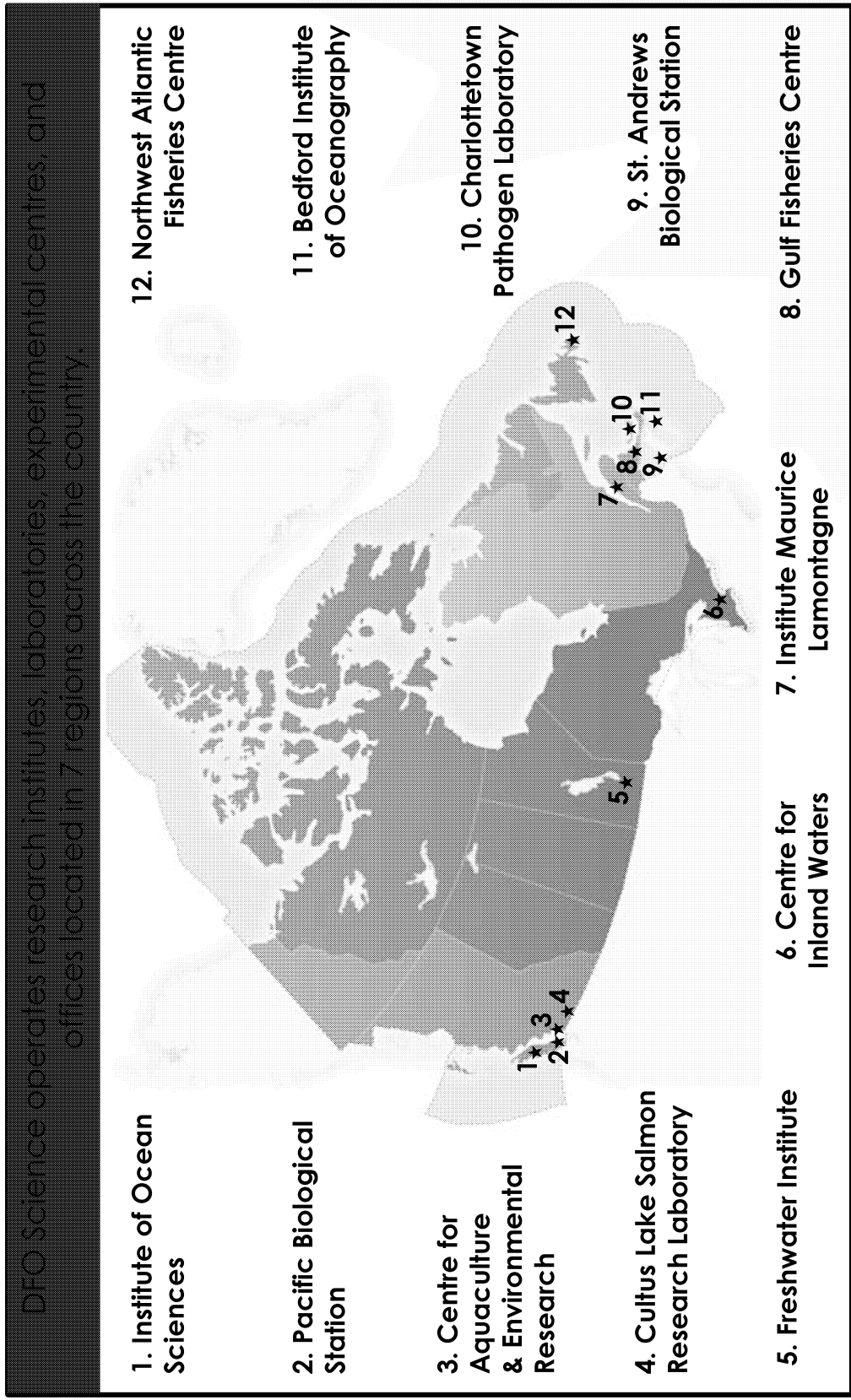
- ✓ Proactive
- ✓ Open
- ✓ Effective
- ✓ Modern



Constructive Relationships

Build **relationships** with stakeholders, Indigenous peoples, and scientific community – at home & abroad

Annex 1: DFO National Science Facilities





Fisheries Management Decision-Making

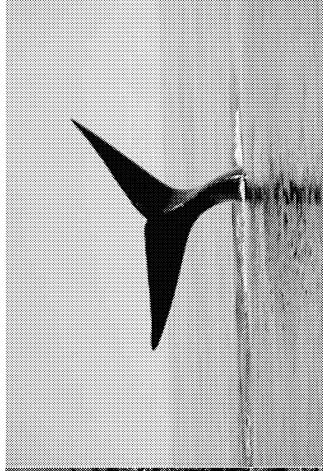
Purpose

To provide an introductory overview of:

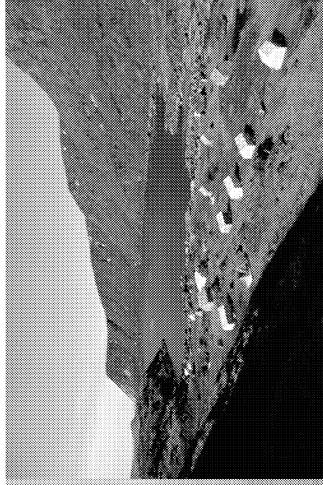
- Canada's fisheries resources
- the fisheries decision-making process



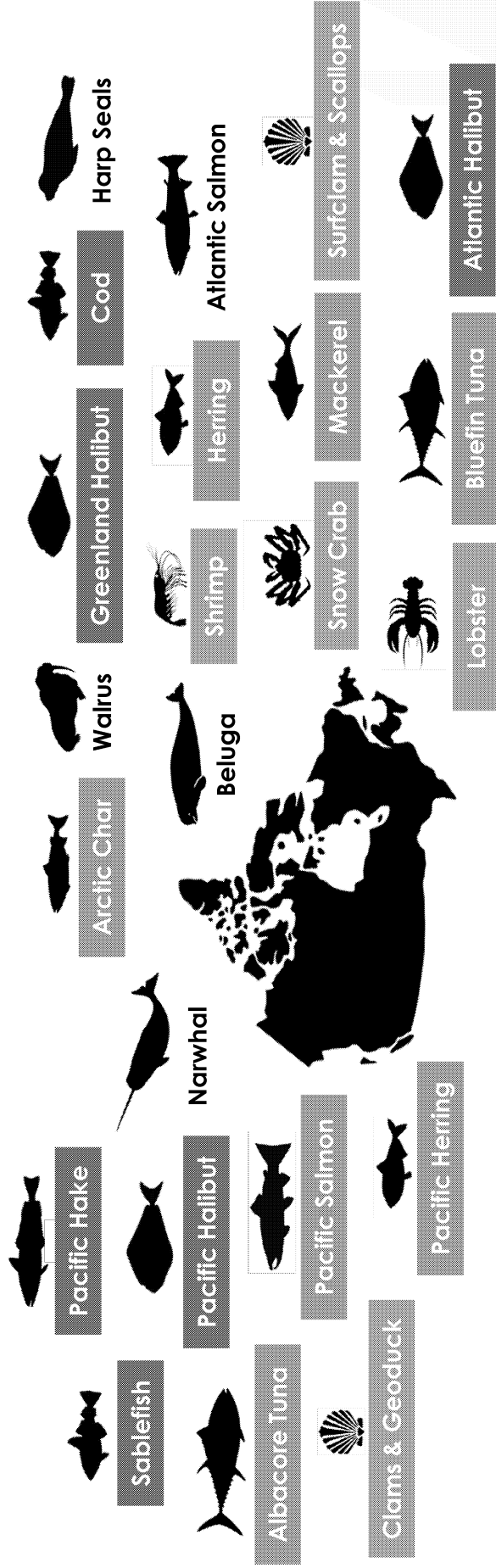
Lobster



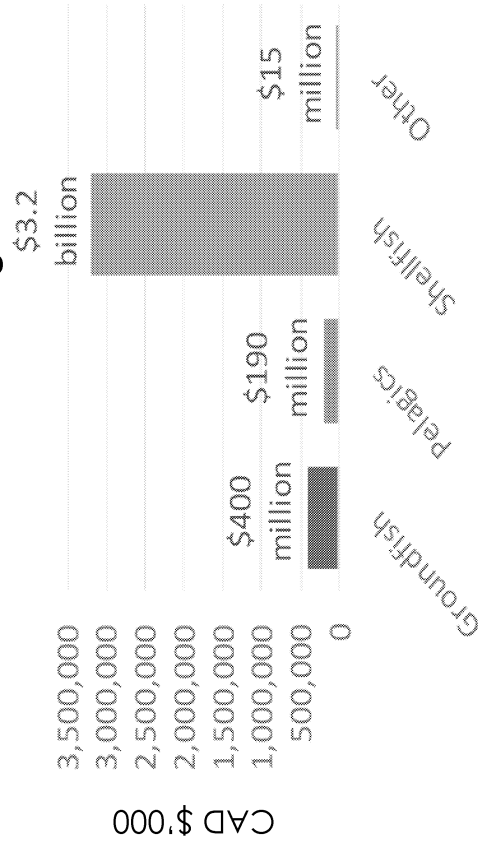
| North Atlantic Right Whale | Arctic Coastal Community | Pacific Fishing Vessel



DFO manages over 200 fisheries on three coasts



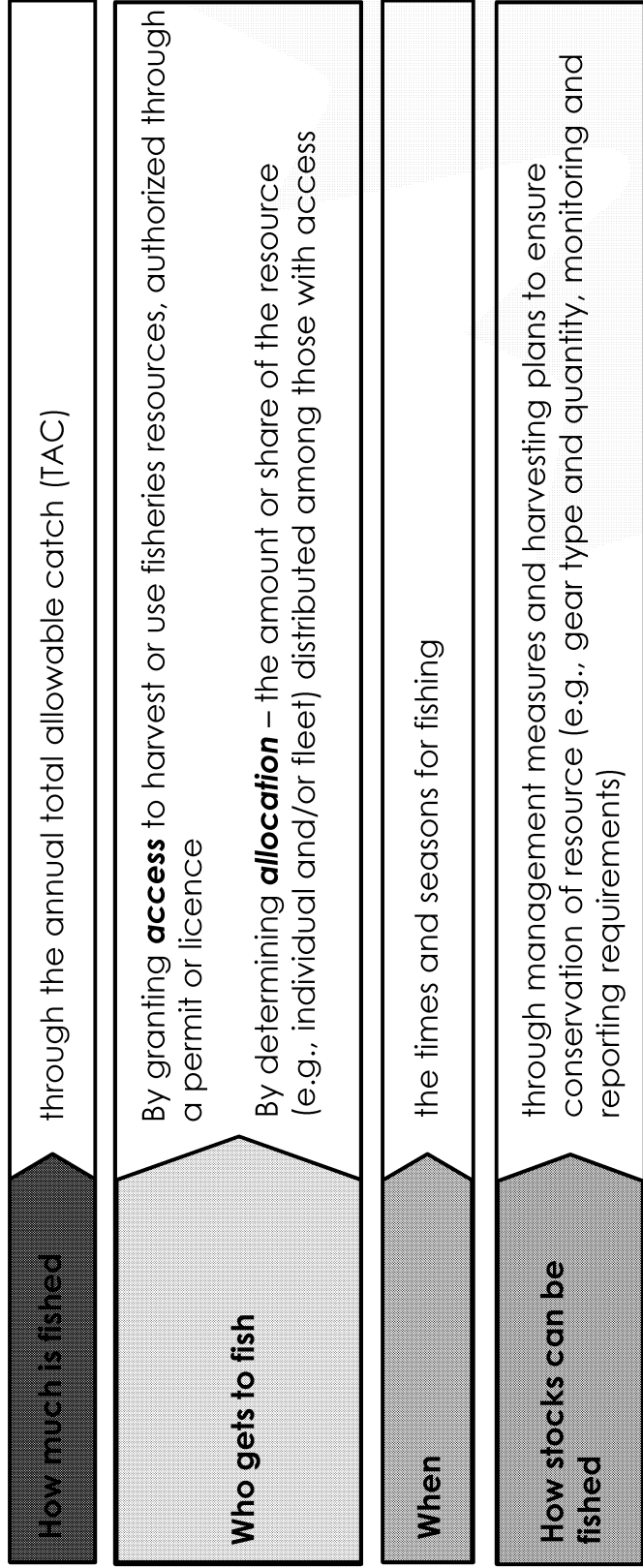
Commercial Landings 2017



- Three types of fisheries: commercial; recreational; and Indigenous food, social and ceremonial (FSC).
- Some fisheries operate in a specific season, while others are year-round.

Mandate

- The Government of Canada has federal jurisdiction over **coastal and inland fisheries**, and the *Fisheries Act* gives the Minister of Fisheries, Oceans and the Canadian Coast Guard authority over **fish harvesting decisions**. As Minister, you have the authority to determine:



- Provinces have responsibility for fish processing and have been delegated responsibility for most inland and freshwater fisheries

International Responsibilities

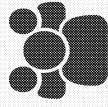
- The Department also has international fisheries responsibilities – **more than 20 per cent** of Canada's fish stocks are managed in cooperation with international counterparts, either through bilateral or multilateral arrangements (see Annex)



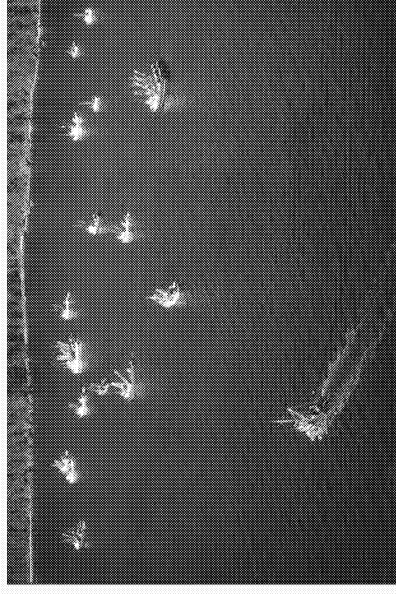
Seven regional fisheries management organizations (RFMOs);



Numerous bilateral agreements;
and,



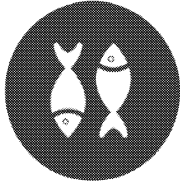
Observer / cooperating non-
contracting party to others



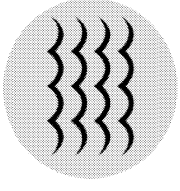
Pacific Salmon seine fleet

Impacts on Canadians

- Fisheries management decisions have a range of impacts on coastal communities and Canadians as a whole. These include:

**Commercial**

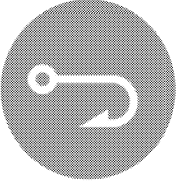
Enabling continued prosperity from fish and seafood while supporting a stable and sustainable fishing industry

**Environmental**

Ensuring sustainable resource management and conservation objectives grounded in science

**Indigenous and Cultural**

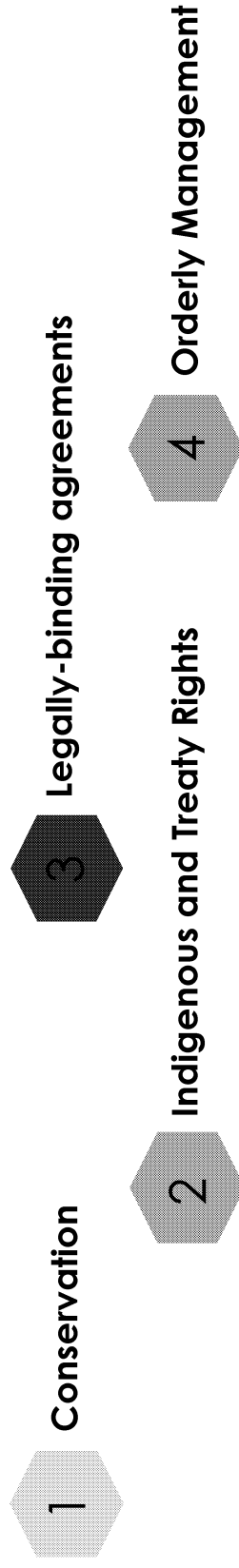
Advancing reconciliation, supporting Indigenous and Treaty Rights, and working towards collaborative management

**Recreational**

Promoting stewardship, public awareness about conservation, and generating important socio-economic benefits for coastal communities

Ministerial Decisions for Fisheries Management

Decisions must adhere to the following principles:



- In practice, many decisions (e.g., management actions, TAC, quota transfers, opening and closures) are **sub-delegated to regional authorities** (i.e., Regional Directors General). However, **Ministerial decisions** are required for:
 - New fishing licences
 - New or deviation from existing policy
 - Discrepancy in science advice and TAC recommendation
 - Multi-regional fishery
 - Land Claims Management Board decisions/recommendations
 - Objectives for key international fisheries negotiations

Decision-making is informed by:

Science advice

Peer reviewed science advice on stock status, TAC, and other conservation measures

Fishery policies

Sustainable Fisheries Framework (see Annex) which includes the precautionary approach

Stakeholder consultations

A broad set of advisory processes involving, Indigenous partners (co-managers), fishing industry participants, the provinces, and relationships with commercial, recreational, and environmental groups

Fisheries management decisions

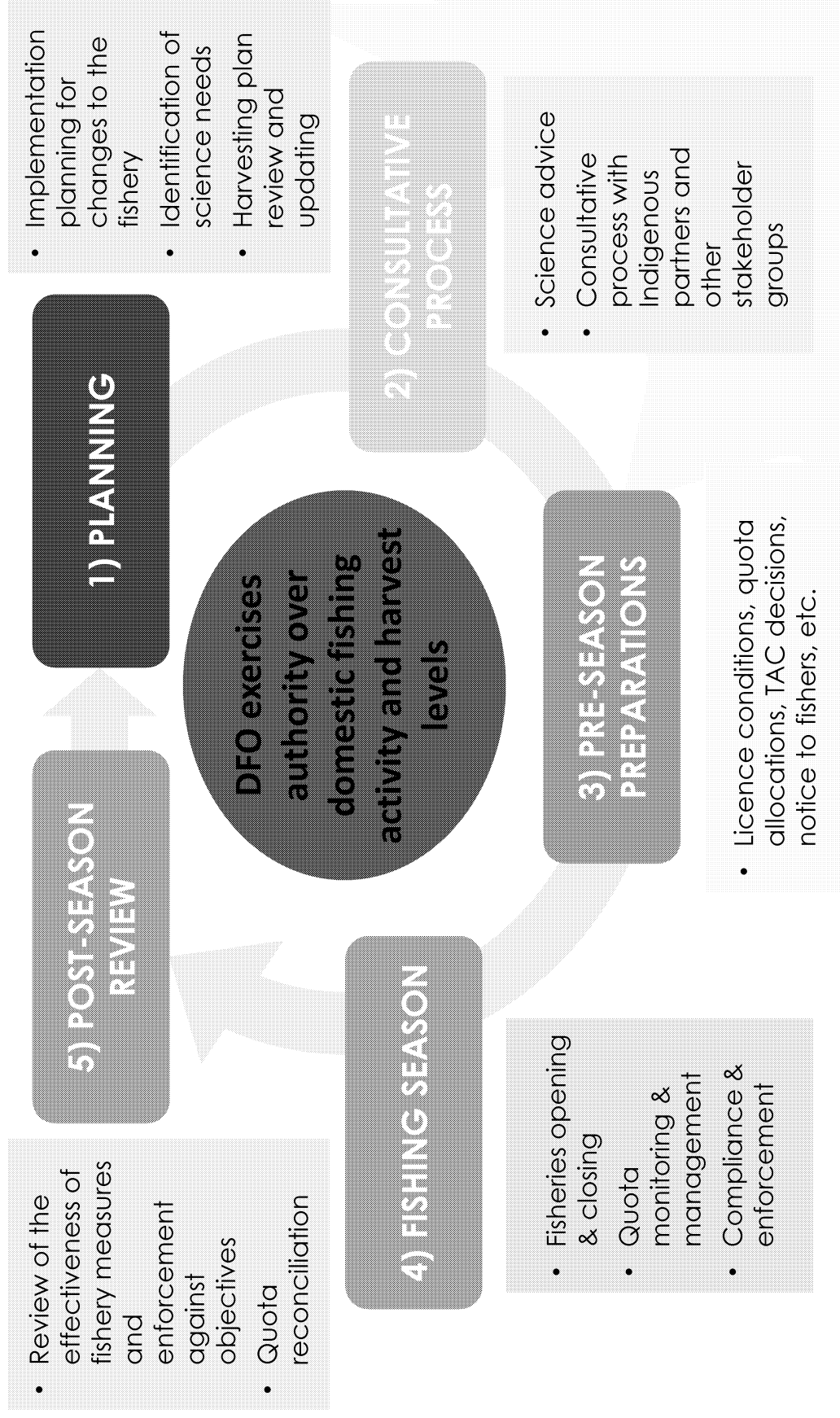
Socio-economic considerations

Analysis of short- and long-term impacts of fisheries decisions on the fishing industry and reliant communities

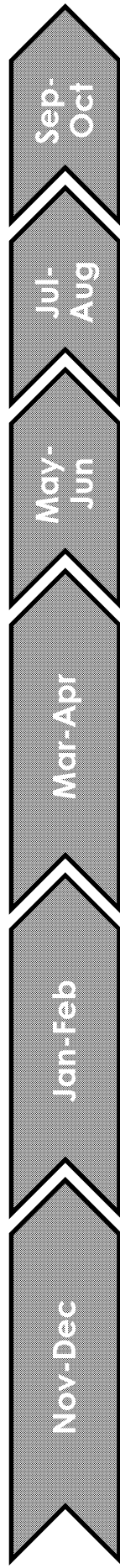
Indigenous and cultural considerations

Indigenous knowledge offered voluntarily, and impacts on coastal communities

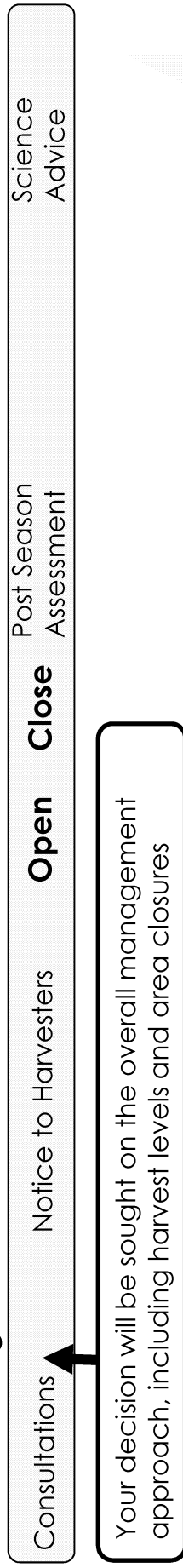
Annual Fisheries Management Cycle



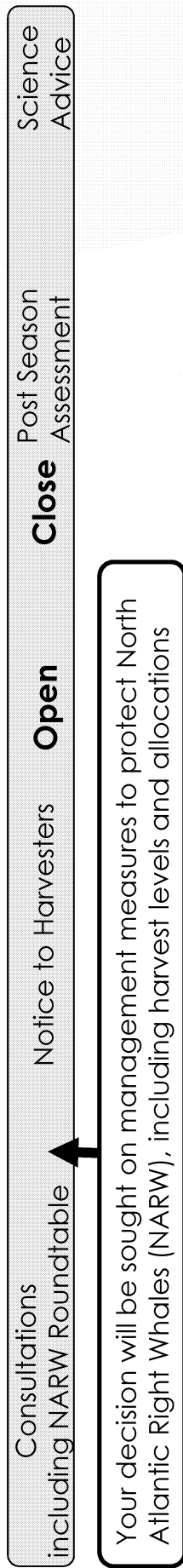
Sample Timelines



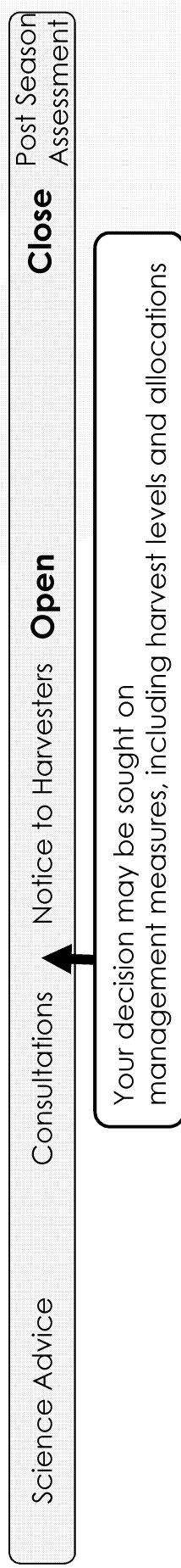
Pacific Herring Commercial Roe



Snow Crab



Typical season for Atlantic Commercial Fisheries



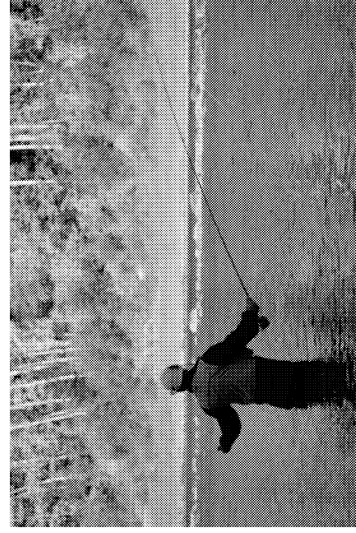
*IFMP = Integrated Fisheries Management

Partners and Stakeholders

- Longstanding and extensive fisheries advisory processes for the major fisheries through which input is sought:
 - **Indigenous groups**, Industry (**harvesters** and **processors**), and **provinces** generally attend these sessions
 - **Environmental and conservation groups** participate on the west coast and are becoming more active on the east coast
 - Smaller working groups to collaborate on specific projects
- In addition to formal processes, partners and stakeholders are regularly connected to regional DFO officials, and frequently contact the Minister's office directly on fisheries issues.



Inshore Fishing Vessels

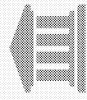


| Recreational (Sport) Fisher



| Herring Processors

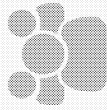
Indigenous and treaty related fishing rights



The Department has legal obligations to Indigenous groups under the Constitution and court decisions: *Marshall*, *Sparrow*, *Ahousaht*.



There are unique fisheries management decision processes for Land Claims Groups outlined in legally-binding agreements.



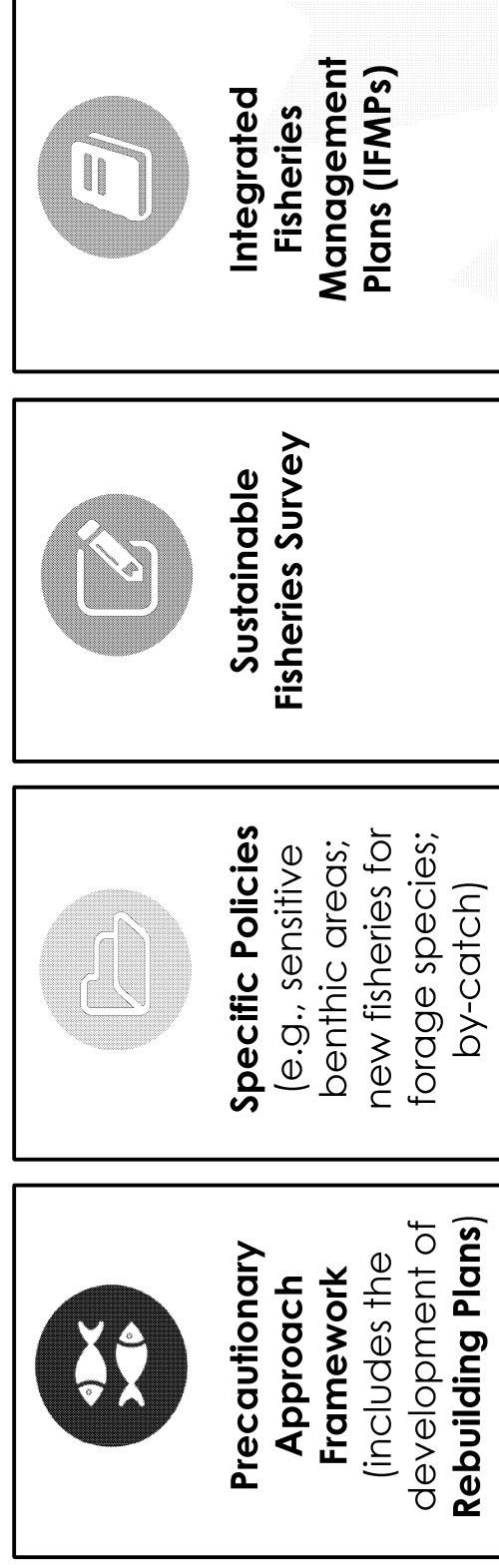
Some Indigenous groups may require separate meetings on a subject matter, outside the advisory process.



Many Indigenous groups are seeking an increased decision-making role in commercial fisheries, and pressing for access/allocation and/or funding to enhance commercial fishing opportunities.

Annex – Sustainable Fisheries Framework

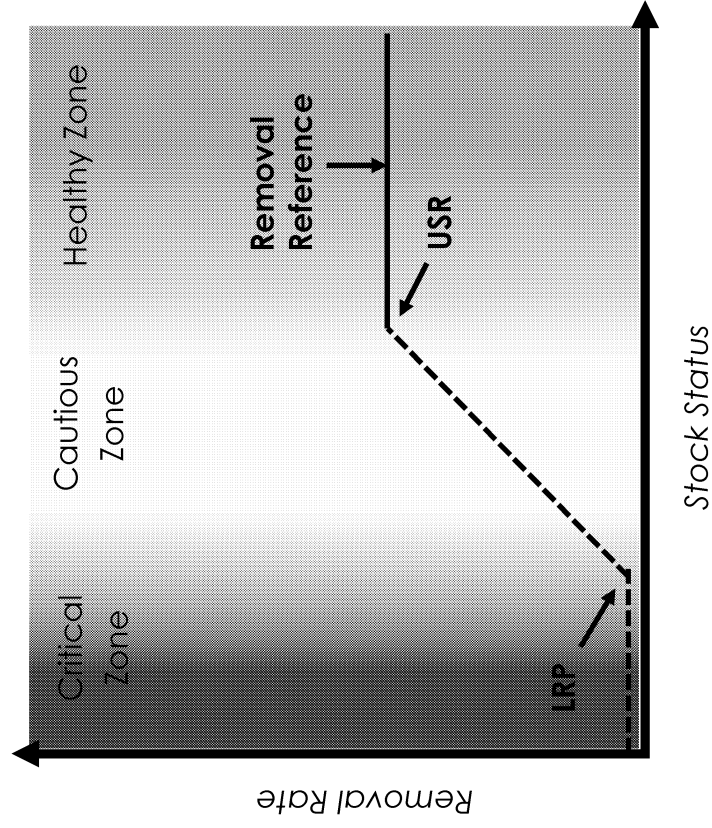
- The **Sustainable Fisheries Framework (SFF)** is the foundation for an ecosystem approach to fisheries, which aims to consider the impacts of fishing on all components of the aquatic environment. The SFF consists of various policies and tools:



- The SFF continues to evolve as new legislation, policies, and tools are created.
 - New fish stock provisions in the *Fisheries Act* will create obligations to document the decision-making process for prescribed fish stocks, and if needed, to publish the culture and/or socio-economic rationale for taking certain decisions

Annex – Precautionary Approach

- **Taking cautious decisions to avoid serious harm to the resource** in the absence of scientific information or when scientific information is uncertain, unreliable or inadequate



Limit Reference Point (LRP)

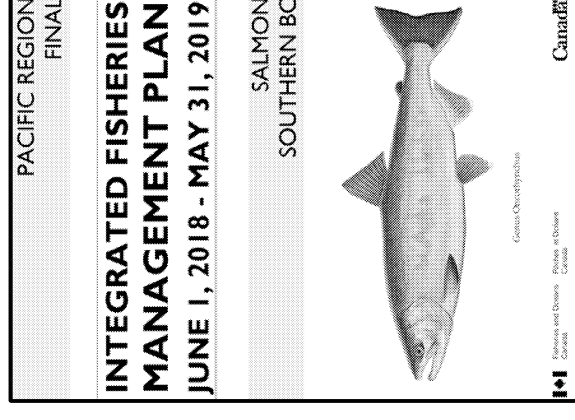
- The threshold below which a total level of harvest could result in serious harm to the stock.
- Typically the trigger for **rebuilding plans**

Upper Stock Reference Point (USR)

- The threshold below which removals must be progressively reduced in order to avoid reaching the LRP.

Annex – Integrated Fisheries Management Plans (IFMPs)

- Development and implementation of IFMPs represent the process through which decisions are managed
- IFMPs document:
 - Planning cycle
 - Fishery objectives
 - Management decisions and measures
 - Opening times, size and retention limits, and gear restrictions
 - Enforcement and control measures
 - At-sea observation, dockside monitoring and catch reporting
 - Indigenous participation and departmental obligations through Land Claims
- IFMP objectives: established for all major fisheries, evergreen (some in Pacific Region are annual or multi-year), made public and accessible*



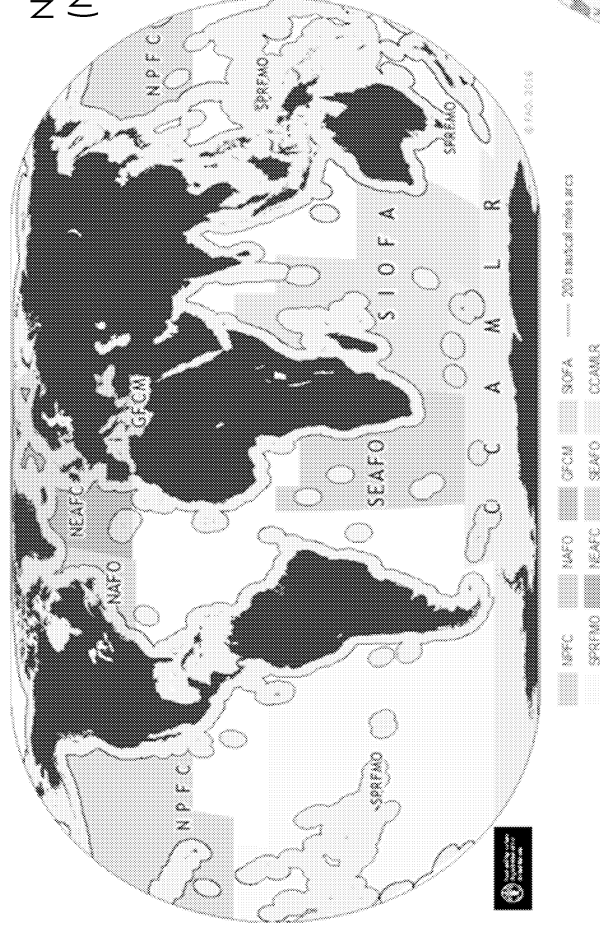
*increasingly online as committed in response to the 2016 Commissioner of the Environment and Sustainable Development Audit

Annex – International Fisheries Management

- A broad range of economically-significant fish stocks are managed through international arrangements. These provide forums for cooperation on enforcement and science, and in many cases, agreement on fisheries management decisions, including Canadian shares of a fishery.
- Canada is a member of seven regional fisheries management organizations (see maps next slide)
- We are also a member of numerous bilateral agreements
 - Pacific Salmon Commission (PSC) – Canada-US
 - International Pacific Halibut Commission (IPHC) – Canada-US
 - Pacific Hake Treaty – Canada-US
 - Pacific Albacore Tuna Treaty – Canada-US
 - Procès-verbal (PV) – Canada-France
 - Georges Bank Stocks (non-binding arrangement) – Canada-US
- And an observer / cooperating non-contracting party to others
 - North Atlantic Marine Mammal Commission (NAMMCO)
 - International Whaling Commission (IWC)
 - North East Atlantic Fisheries Commission (NEAFC)
- Canada, with other signatories, is leading on implementation of the multi-lateral agreement for the prevention of unregulated high seas fisheries in the central Arctic Ocean.

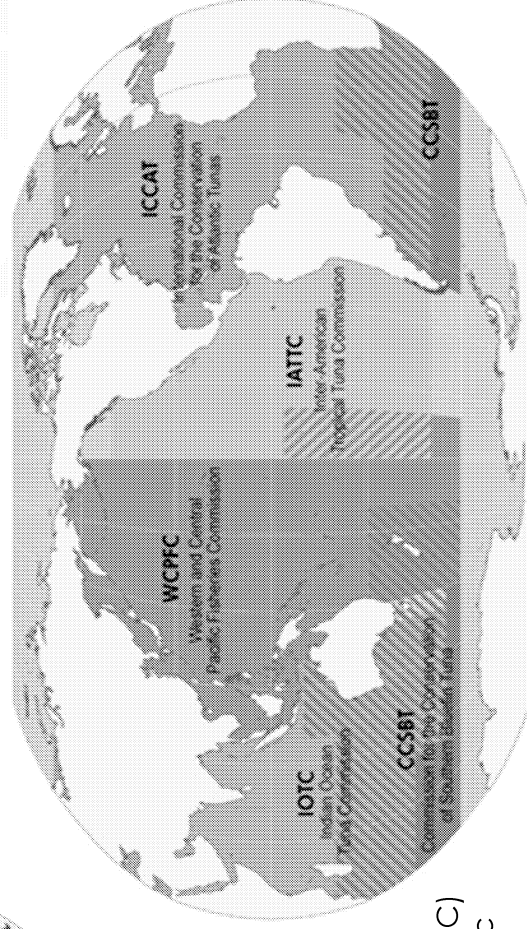
Annex – Regional Fisheries Management Organisations (RFMOs)

DEEP SEA RFMOs



- North Atlantic Salmon Conservation Organization (NASCO)
- Northwest Atlantic Fisheries Organization (NAFO)
- North Pacific Anadromous Fish Commission (NPAFC)
- North Pacific Fisheries Commission (NPFC)

TUNA RFMOs



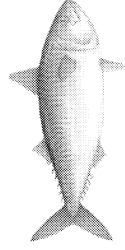
- North Pacific Fisheries Commission (NPFC)
- Inter-American Tropical Tuna Commission (IATTC)
- Western and Central Pacific Fisheries Commission (WCPFC)
- International Commission for the Conservation of Atlantic Tunas (ICCAT)

Annex – Types and Locations of Species

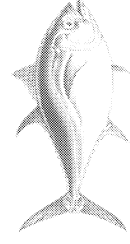
Pelagic Fish
(caught near surface)



Herring

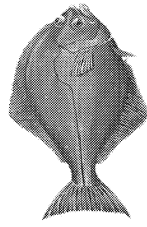


Mackerel

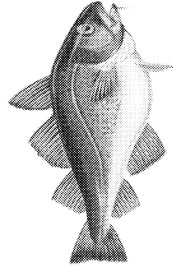


Tuna

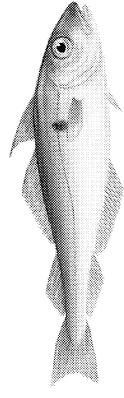
Groundfish
(caught near ocean floor)



Halibut

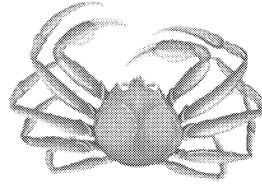


Atlantic Cod

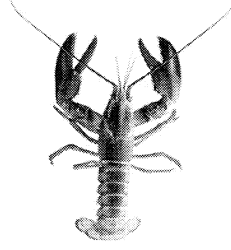


Haddock

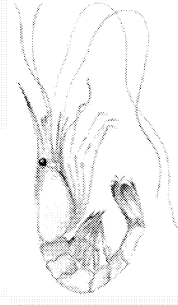
Shellfish
(caught on ocean floor)



Snow Crab


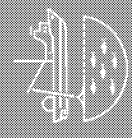


Lobster



Shrimp

Annex - Main Fishing Gear Types

<div><div><div>Fixed gear</div><div><div><div>➤ Stationary while fishing</div><div>➤ Untended for a period of time after it is set</div></div><div></div></div></div></div>	Trap or Pot	<ul style="list-style-type: none">• Individual, or a string of up to 50, cages with a funnel-like opening that are set on the seafloor to capture shellfish or groundfish• Hauled using a vertical line made visible on the surface by attaching one or more buoys
	Gillnets	<ul style="list-style-type: none">• Create a wall of nearly invisible netting that entangle fish by their gills• May be anchored or set adrift (Canadian gillnets are always anchored)
	Longlines	<ul style="list-style-type: none">• Composed of a long main line with smaller baited lines extending from it• Mainline may be anchored or set adrift
<div><div><div>Mobile gear</div><div><div><div>➤ Actively moving while fishing</div><div>➤ Attached to a fishing vessel and tended</div></div><div></div></div></div></div>	Seine Nets	<ul style="list-style-type: none">• Composed of a wall of nearly invisible netting which is mobile while fishing• Canadian fisheries use primarily and purse seines, which can be closed to prevent fish from escaping while being hauled up
	Trawl or Dredge	<ul style="list-style-type: none">• Dragged behind a vessel to capture fish and shellfish• A dredge is composed of a metal basket which is hauled along the seafloor to capture bottom-dwellers• A trawl is composed of synthetic netting and can operate on the bottom or in mid-water



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fish and Fish Habitat Protection Decision Making

Canada

Purpose

- To provide an overview of Ministerial authorities and Departmental responsibilities related to:
 - Protections for fish and fish habitats;
 - Impact and environmental assessments; and,
 - The *Metal and Diamond Mining Effluent Regulations*.

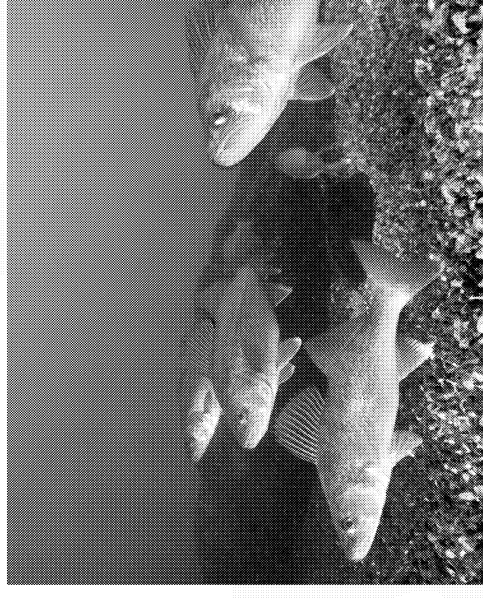


Protections for Fish and Fish Habitat

- Under the *Fisheries Act*, the Minister has the **power to authorize undertakings and activities that may result in harmful impacts** to fish and fish habitat.
 - This authority is usually delegated to departmental officials who base the decision on best available science, consultation, Indigenous knowledge, etc.
- Under the *Fisheries Act* the Minister also has the power to **recommend regulations** be made under the fish and fish habitat protection provisions of the act. Such regulations could:
 - Establish ecologically sensitive areas to protect Canada's most sensitive and valuable ecosystems;
 - Prescribe works and waters to streamline approval of routine activities; and,
 - Identify designated projects to improve predictability for proponents of major works.
- The Minister may also **make regulations** related to other aspects of fish and fish habitat, including:
 - Death of fish and protection of fish habitat; and,
 - Respecting the flow of water to ensure fish passage.

To Note:

The Minister also has authorities to protect and conserve fish and fish habitat under the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.



Impact Assessments

- On behalf of the Minister, the Department provides **expert advice** on potential impacts to fish and fish habitat for assessments under the *Impact Assessment Act* and other federal impact and environmental assessment regimes.
- For projects on **federal lands** requiring *Fisheries Act* authorizations, the Department conducts environmental assessments under the *Impact Assessment Act*.
- Under federal assessment regimes in the **territories**, the Department provides its expertise, and addresses specific obligations under relevant legislation for projects requiring its approvals.
- The Department has **arrangements with other federal agencies** and with some provinces (NB, NS, and PEI) that allow them to conduct preliminary reviews of project risks to fish and fish habitat.
- For projects subject to federal impact/environmental assessments, Ministerial Authorizations cannot be issued until the impact or environmental assessment decision allows the project to proceed.

Quick Fact:

The Department is currently involved in ~125 major projects, including the Trans-Mountain Expansion (TMX) project and the Teck Frontier project.



Metal and Diamond Mining Effluent Regulations

- Canadian mining facilities are subject to the **Metal and Diamond Mining Effluent Regulations (MDMER)** and are required to collect and report on effluent data and compliance rates.
 - Mining facilities are also required to **undertake specific measures related to protecting water bodies** designated as tailing impoundment areas.
- The Minister of Fisheries and Oceans, through departmental officials, provides **expert advice** to the Minister of Environment and Climate Change Canada, on approving *Fish Habitat Compensation Plans (FHCPs)*.
- *FHCPs* are prepared by project proponents to **offset direct loss of fish habitat** resulting from mine waste disposal as well as direct and indirect losses permitted under the *Fisheries Act*.
- The MDMER are enforced by Environment and Climate Change Canada in accordance with the Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*.

Quick Fact:

The Metal Mining Effluent Regulations, which came into force on December 6, 2002, were amended on June 1, 2018, and became the Metal and Diamond Mining Effluent Regulations.



How does the Department undertake project review?

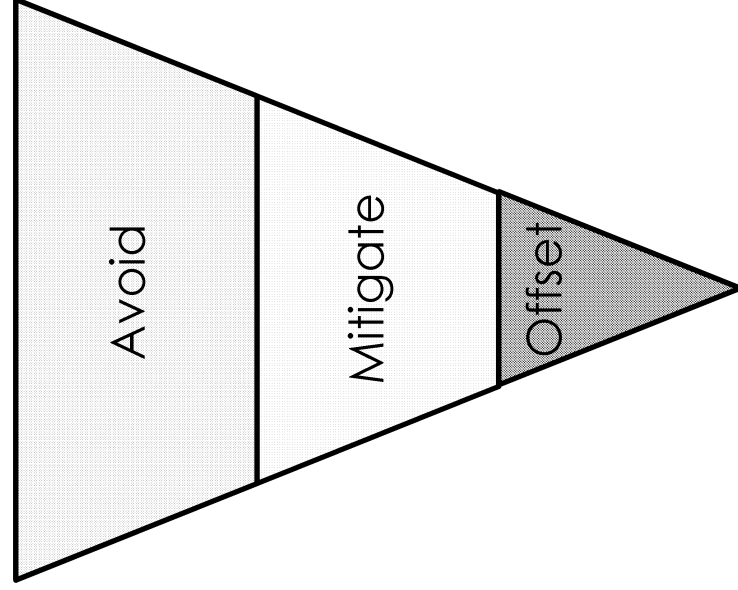
- The Department assesses proposed projects to determine the risk of harmful impacts to fish and fish habitat
- For works, undertakings and activities that may result in harmful impacts, a Ministerial authorization is required

Factors to Consider Checklist

- ☐ Contribution to productivity of fisheries
- ☐ Fisheries management objectives
- ☐ Any measures or standards to avoid death of fish or harmful alteration, disruption or destruction
- ☐ The cumulative effects of carrying out the project
- ☐ Any fish habitat banks
- ☐ Whether measures to avoid harmful alteration, disruption or destruction prioritize restoration of degraded habitat
- ☐ Indigenous knowledge provided
- ☐ Any other factor considered relevant

How does the Department provide advice to proponents?

The Department works with proponents to **Avoid**, **Mitigate**, and when necessary **Offset** harmful impacts to fish and fish habitat.



Provide advice and guidance to avoid harm to fish and fish habitat. Measures to avoid harm can be found on the *Projects Near Water* website.

Provide advice and guidance to mitigate harm to fish and fish habitat. This can include working when fish are not present in certain areas.

Provide advice and guidance to offset harm to fish and fish habitat. This can include building new habitat near to the project site.

How does the Department monitor decisions and report to Canadians?



- The Department is committed to monitoring **compliance** and **effectiveness** of program decision making
 - The Fish and Fish Habitat Program (FFHPP) works with the Department's Conservation and Protection Service to promote compliance with the Fisheries Act and authorizations or permits issued under the Act.
 - The FFHPP is working with DFO Science to improve our understanding of the effectiveness of FFHPP instruments at protecting fish and fish habitat.
- The Department is working to **develop a public registry** that will inform Canadians about the location of projects on or near water and the state of fish and fish habitat



What are the current issues for the Department?

- **Program Implementation:**

- The modernized *Fisheries Act* received Royal Assent on June 21, 2019 and the new Fish and Fish Habitat Protection Provisions came into force August 28, 2019
- Work continues to train staff and develop policies that reflect changes to the Act

- **Implementation of the *Impact Assessment Act***

- The Department continues to work with the Impact Assessment Agency to clarify roles and responsibilities



Fisheries and Oceans
Canada

Pêches et Océans
Canada

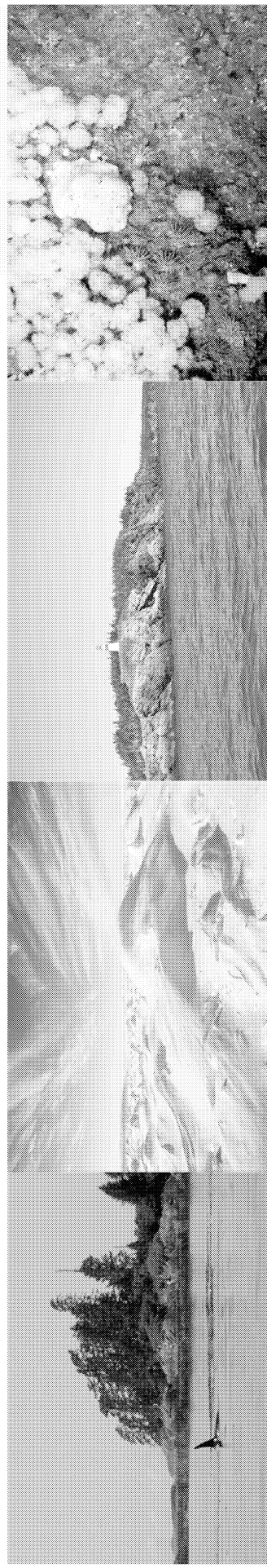
Oceans Management Decision Making

Canada

Purpose

To provide an introductory overview of Ministerial powers and responsibilities in three areas:

- Marine conservation
- Marine environmental quality
- Marine spatial planning



Orca



Tuvaijuittuq MPA



Musquash Estuary MPA



Corals and Sponges

Marine Conservation

The Minister has the power to establish marine protected areas, marine refuges, and ecologically significant areas

Summary

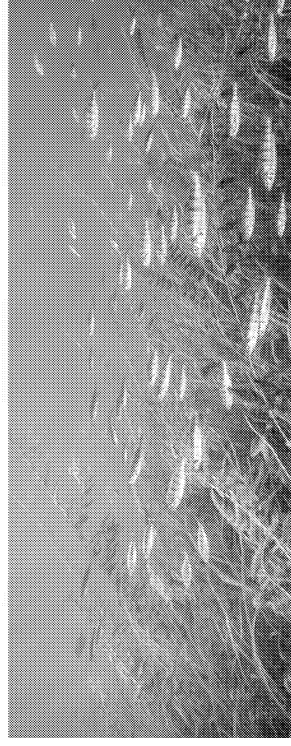
- Under the *Oceans Act*, the Minister recommends that the Governor-in-Council (GiC) establish **marine protected areas** (MPAs) through regulations.
 - The Minister may also establish marine protected areas (MPAs) through Ministerial Order (MO) regulations for up to five years.
- Under the *Fisheries Act*, the Minister may establish **marine refuges**, which count as Other Effective Area-Based Conservation Measures (OECMs) in Canada's international marine conservation targets.
- Under the *Fisheries Act*, the Minister may establish **ecologically significant areas** (ESAs) through regulations to protect sensitive, highly productive, rare or unique areas.

Definitions:

MPA: Part of the ocean that is legally protected and managed to achieve the long-term conservation of nature.

Marine Refuge: Part of the ocean (other than an MPA) which is governed and managed in ways that achieve positive and sustained outcomes for the conservation of biodiversity, for example by restricting certain kinds of fishing gear (e.g., gillnets) or practices (e.g., bottom trawling).

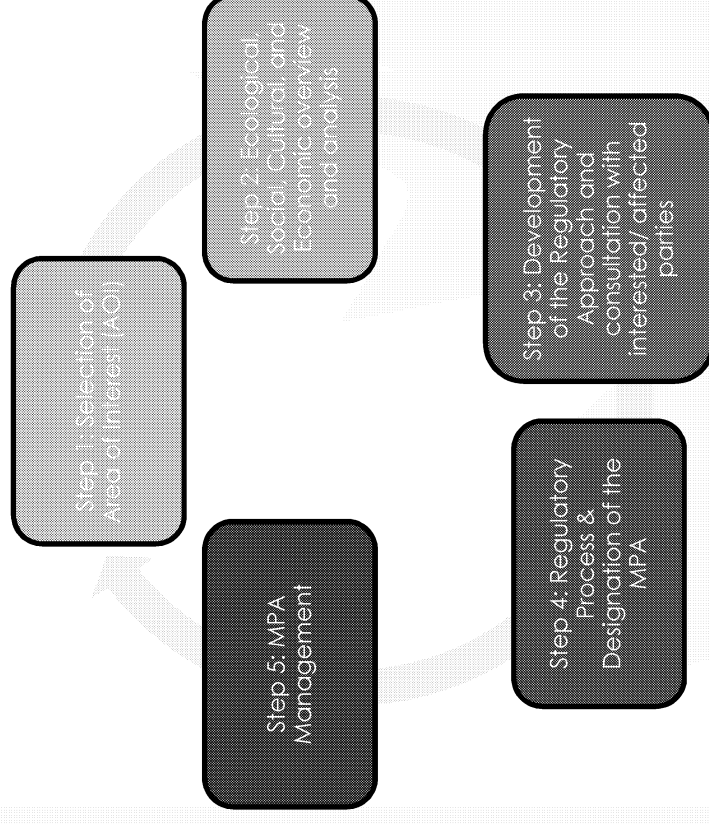
ESA: Part of the ocean identified through formal scientific assessments as having special ecological significance when compared with the surrounding marine ecosystem.



Marine Conservation: Policy and Process

Oceans Act MPA establishment process

- In April 2019, **new standards for MPAs** were announced, namely the prohibition of the following activities within these areas:
 - Oil and gas
 - Mining
 - Dumping
 - Bottom Trawling
- The **rigorous 5-step Oceans Act MPA establishment process** can take between 7 and 10 years to complete.
 - Allows for extensive information gathering and consultation to occur prior to the Minister's approval and recommendation of the regulatory package to the GiC (i.e. Treasury Board) (Step 4).
- 2019 changes to the Oceans Act enable MPA establishment using MO regulations to provide **interim protection for vulnerable areas** while science and consultation continue to establish a long-term GiC MPA.
- Also announced **new standards for marine refuges and OECMs** that state that areas where oil and gas extraction takes place will not be counted toward Canada's international marine conservation targets.



Marine Environmental Quality

The Minister may establish marine environmental quality guidelines, objectives and criteria

Summary

- Under the *Oceans Act*, the Minister may establish **marine environmental quality (MEQ) guidelines, objectives and criteria** respecting estuaries, coastal waters and marine waters.
- MEQ guidelines, objectives and criteria are to be established in **collaboration with partners**, including provinces, territories, Indigenous peoples, and coastal communities.
- These may be **non-regulatory tools** (e.g., objectives, guidelines) established by DFO and/or **regulations** established by the GiC, on the recommendation of the Minister.
- **These integrated and evidenced-based tools and strategies** can be developed to: understand environmental stressors; evaluate existing management measures or strategies; and, adjust existing measures and/or develop new ones.

Specific Commitments:

- ✓ An Oceans Noise Strategy will be developed by 2021-22.
- ✓ The 2007 Statement of Canadian Practice with respect to the Mitigation of Seismic Sound in the Marine Environment is being reviewed and potentially updated.



Marine Spatial Planning

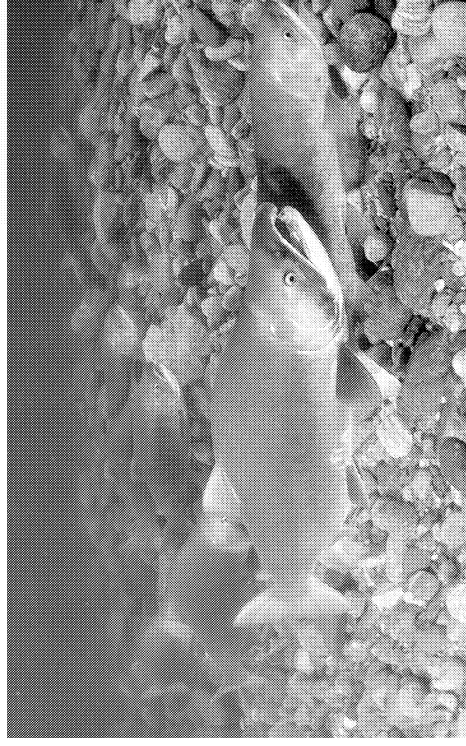
The Minister may lead integrated management and marine spatial planning

Summary

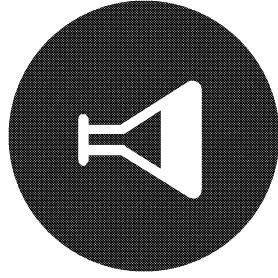
- The Minister may lead integrated management and marine spatial planning (MSP) activities to bring together relevant authorities and stakeholders to **better coordinate how we use and manage marine spaces** to achieve economic, ecological and social objectives.
- MSP is an important tool in supporting oceans-related priorities, including:
 - Providing **economic certainty** for Canada's ocean industries by identifying acceptable use of ocean space;
 - Advancing **collaborative relationships** and governance structures with OGDs, Provinces, Territories and Indigenous peoples; and,
 - Enabling Canada to meet **domestic and international commitments** to marine conservation and protection.

Quick Fact:

- ✓ MSP is being initiated in **five marine areas** (map at Annex C) building on past integrated oceans management planning efforts.
- ✓ **These plans may seek Ministerial endorsement**; will be developed by March 2024.

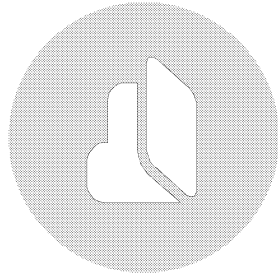


Decision Making is Informed By...



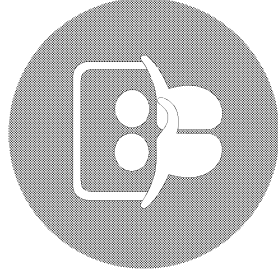
Science Advice

Peer-reviewed science advice supports all processes.



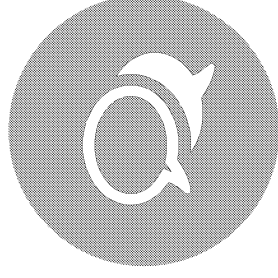
Standards

Minimum protection standards for federal MPAs and OECMs were announced in April 2019.



Socio-economic and Cultural Considerations

Analysis of impacts of conservation decisions on marine resource users, stakeholders, and coastal communities. Analysis of spatial data on diverse ocean topics for MSP processes.



Stakeholder Consultation and Engagement

Advisory processes involving provinces, territories, Indigenous governments and groups, fishing industry and other stakeholders, environmental groups, and coastal communities.

Program direction will be influenced by the Department's international engagement

2020 United Nations Oceans Conference	International Union for the Conservation of Nature World Conservation Congress (IUCN WCC)	CBD Conference of the Parties (COP) 15	5 th International Marine Protected Areas Congress (IMPAC 5)
<p>June 2020 Lisbon, Portugal</p> <ul style="list-style-type: none"> The Minister may identify voluntary commitments to support Conference outcomes 	<p>June 2020 Marseille, France</p> <ul style="list-style-type: none"> Debate will focus on the content of the Convention on Biological Diversity (CBD) Post-2020 Global Biodiversity Framework (GBF) 	<p>October, 2020 Kunming, China</p> <ul style="list-style-type: none"> Representatives of the world's governments will gather to decide on new Post-2020 GBF New conservation targets will be set to replace the 2020 Aichi Targets Discussions beginning in Fall 2019 will inform final negotiations at COP15 	<p>Sept. 26-Oct. 1, 2021 Vancouver, Canada</p> <ul style="list-style-type: none"> Canada is host In development with federal partners (ECCC and PCA), Canadian Parks and Wilderness Society, British Columbia and Indigenous groups. 5-day conference and 1-day High Level Conference for Ministers

Annex A: Conserved Areas

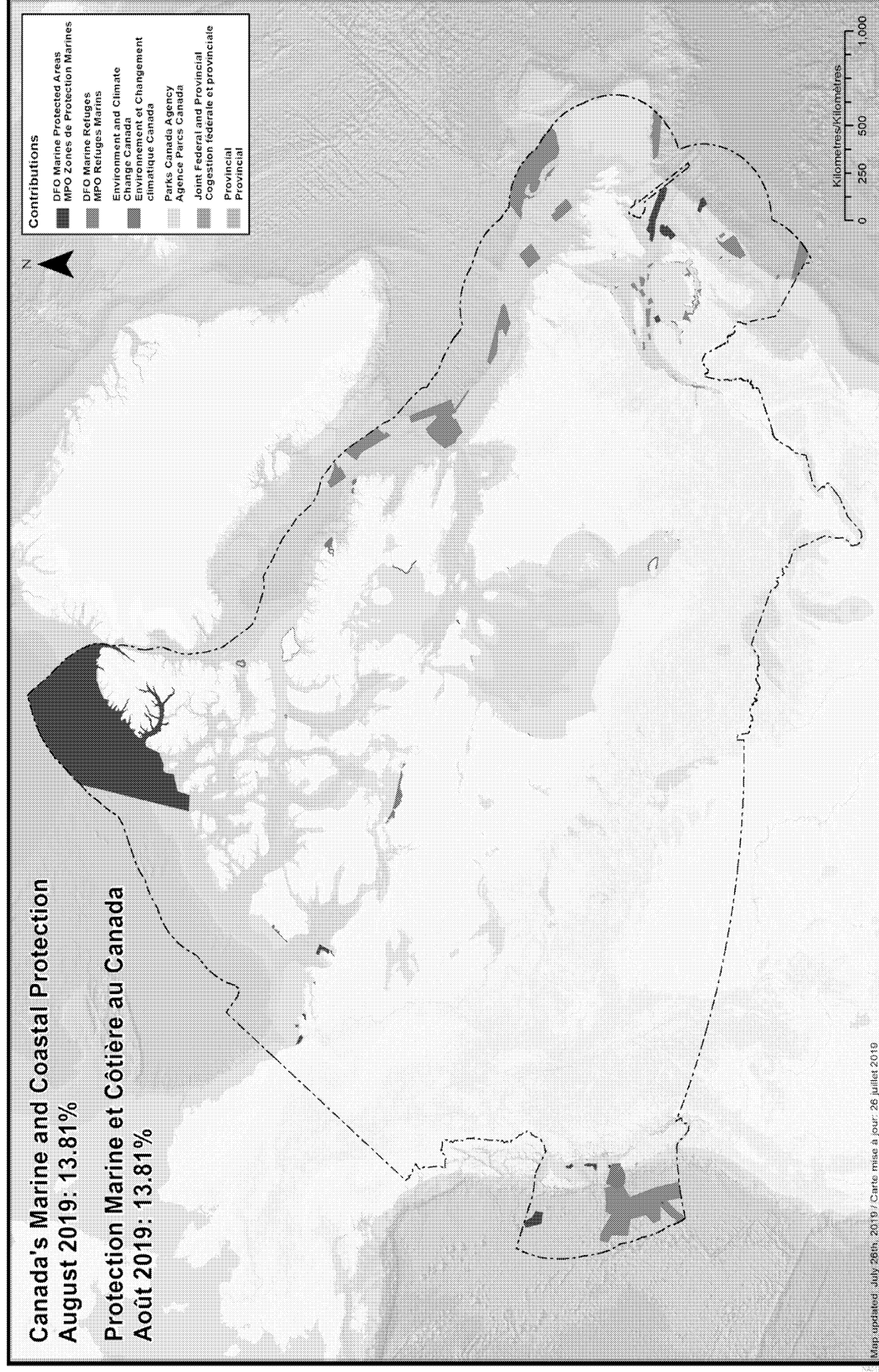


Canada's Marine and Coastal Protection

August 2019: 13.81%

Protection Marine et Côtière au Canada

Août 2019: 13.81%



Map updated July 26th, 2019 / Carte mise à jour 26 juillet 2019

Annex B: Legislative and regulatory tools for establishing conserved areas

Fisheries and Oceans Canada	<ul style="list-style-type: none">▪ Oceans Act MPAs▪ Fisheries Act marine refuges▪ Potentially additional OECMs
Environment and Climate Change Canada	<ul style="list-style-type: none">▪ Marine National Wildlife Areas▪ Marine portions of Migratory Bird Sanctuaries and National Wildlife Areas
Parks Canada Agency	<ul style="list-style-type: none">▪ National Marine Conservation Areas▪ marine portions of National Parks
Provinces and Territories	<ul style="list-style-type: none">▪ Through their own legislative mechanisms
Indigenous Governments and Groups	<ul style="list-style-type: none">▪ Potential for marine Indigenous Protected and Conserved Areas

Annex C: Current MSP Planning Areas

In addition to the planning areas shown here, ☆, similar activities are advancing in the Eastern Arctic (Pikialasorsuaq initiative) and Northern Labrador (Imappivut initiative).





Fisheries and Oceans
Canada

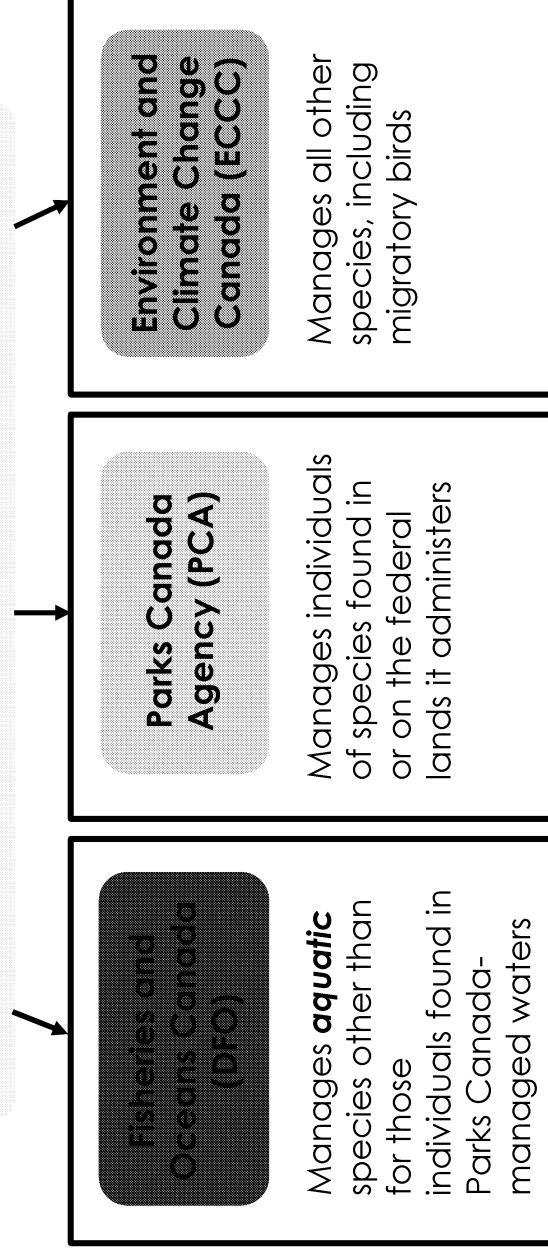
Pêches et Océans
Canada

Species at Risk Decision Making

Canada

Species at Risk: A Shared Responsibility

The **Species at Risk Act** (SARA, 2004) is administered by three core federal departments:



- The Ministers of these three departments are referred to as “**competent ministers**” for Species at Risk.
- **The Minister of Environment and Climate Change (ECC) has overall responsibility** for administration of the Act and is currently the competent Minister for PCA.
- **You share responsibilities** with the Minister of ECC if the species is found both inside and outside areas managed by PCA.

Purpose of SARA

The purpose of SARA is to:

- ✓ **Prevent** wildlife species from being extirpated in Canada or becoming extinct
- ✓ **Provide** for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity
- ✓ **Manage** species of special concern to prevent them from becoming endangered or threatened

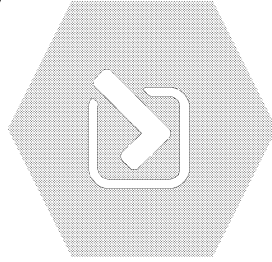


Southern Resident Killer Whales (SRKW)

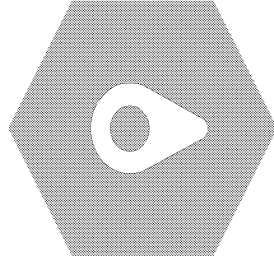
Your Overall SARA Decision-Making Role



Provide listing advice on aquatic species to the Minister of ECCC who, in turn, makes listing recommendations to the Governor in Council (GIC)

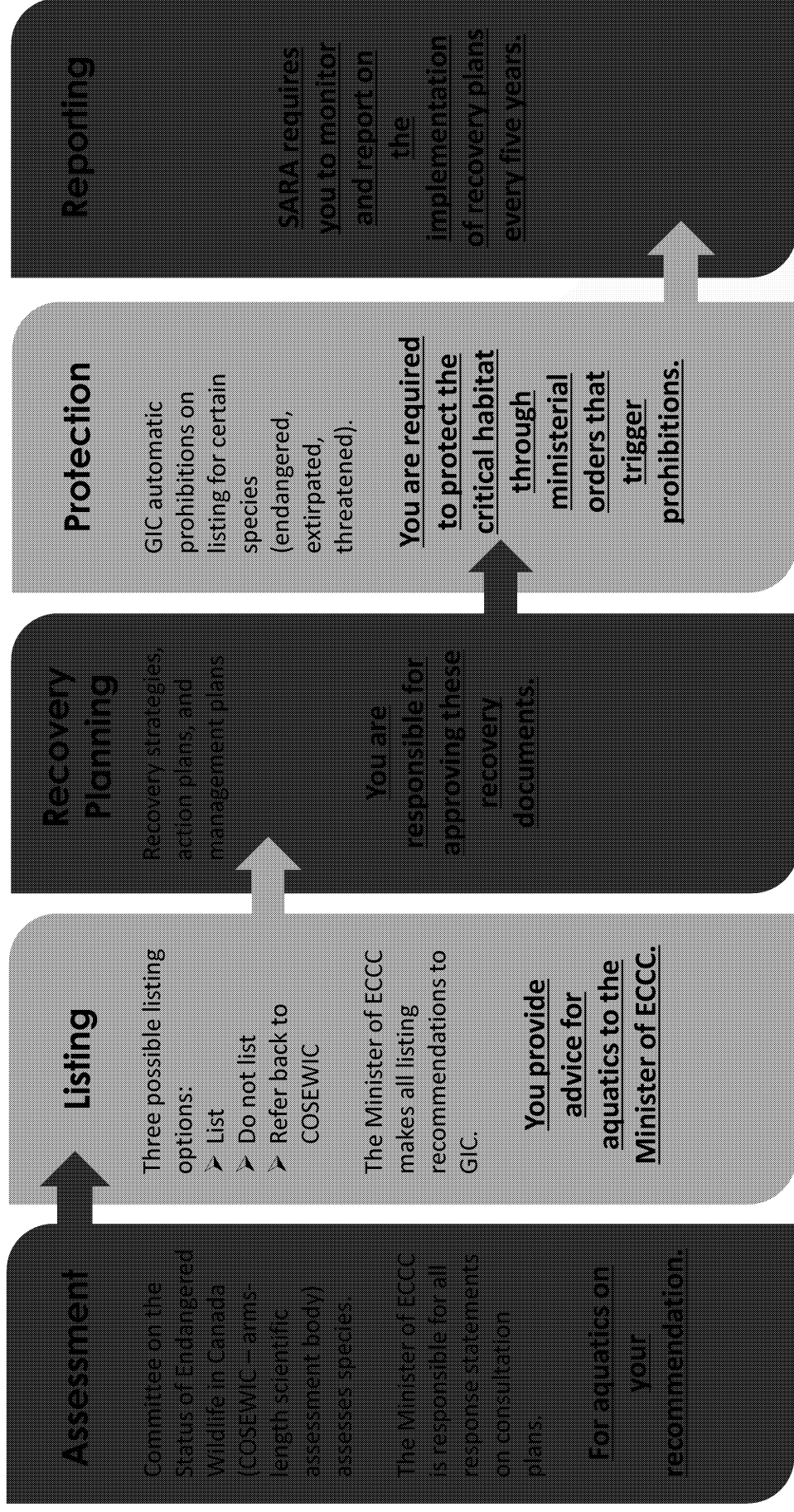


Approve recovery strategies, action plans, and management plans for aquatic species



Make Critical Habitat Orders to protect critical habitat

Your Role in the Full SARA Decision Making Process



How the Department Supports You

DFO supports you in the following ways:

- 1 Participates** in assessments
- 2 Provides recommendations** on listing and critical habitat protection advice
- 3 Implements and enforces protection and certain recovery measures** applicable to listed aquatic species (e.g., Critical Habitat Orders and Prohibitions)
- 4 Prepares** recovery documents
- 5 Implements recovery measures** through science, collaboration with external stakeholders (i.e., Grants and Contribution programs), and management efforts
- 6 Monitors and reports** on progress of recovery activities

Departmental support is informed by:

Science advice

Peer reviewed scientific information outlining status, and what is necessary to recover species

Consultations

A broad set of advisory processes to determine views on conservation and management efforts

- ✓ Includes **Indigenous consultations**: meaningful engagement on potential decisions

Legal advice

On the operation of the Act and court interpretations

Socio-economic considerations

Analysis of socio-economic impacts of species recovery and protection activities, as well as the costs and benefits of stated recovery and protection measures

Tri-departmental policy

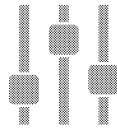
A suite of tools (some under development) for consistent approaches to the implementation of the Act for terrestrial and aquatic species

DFO policy

A suite of tools to guide on-the-ground implementation of the Act for aquatic species

DFO support for Species at Risk decisions

Considerations for Decision Making



- DFO is responsible for the protection and conservation of aquatic species but also has responsibilities **for regulating activities that may harm aquatic species** (e.g., fishing) or fish habitat (e.g., hydro-electric)

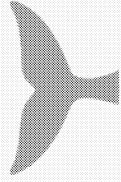


- Constitutional division of powers makes the federal government responsible for “sea coast and inland fisheries”; however, **overlap with provincial jurisdiction** necessitates involvement from both orders of government (e.g., water use, forestry)

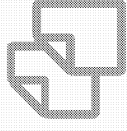


- Courts de facto require **ministerial orders** for aquatic species' critical habitat protection

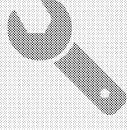
Current Issues



- Management of **endangered whale populations** (e.g., SRKW, North Atlantic Right Whale, St. Lawrence Estuary Beluga)

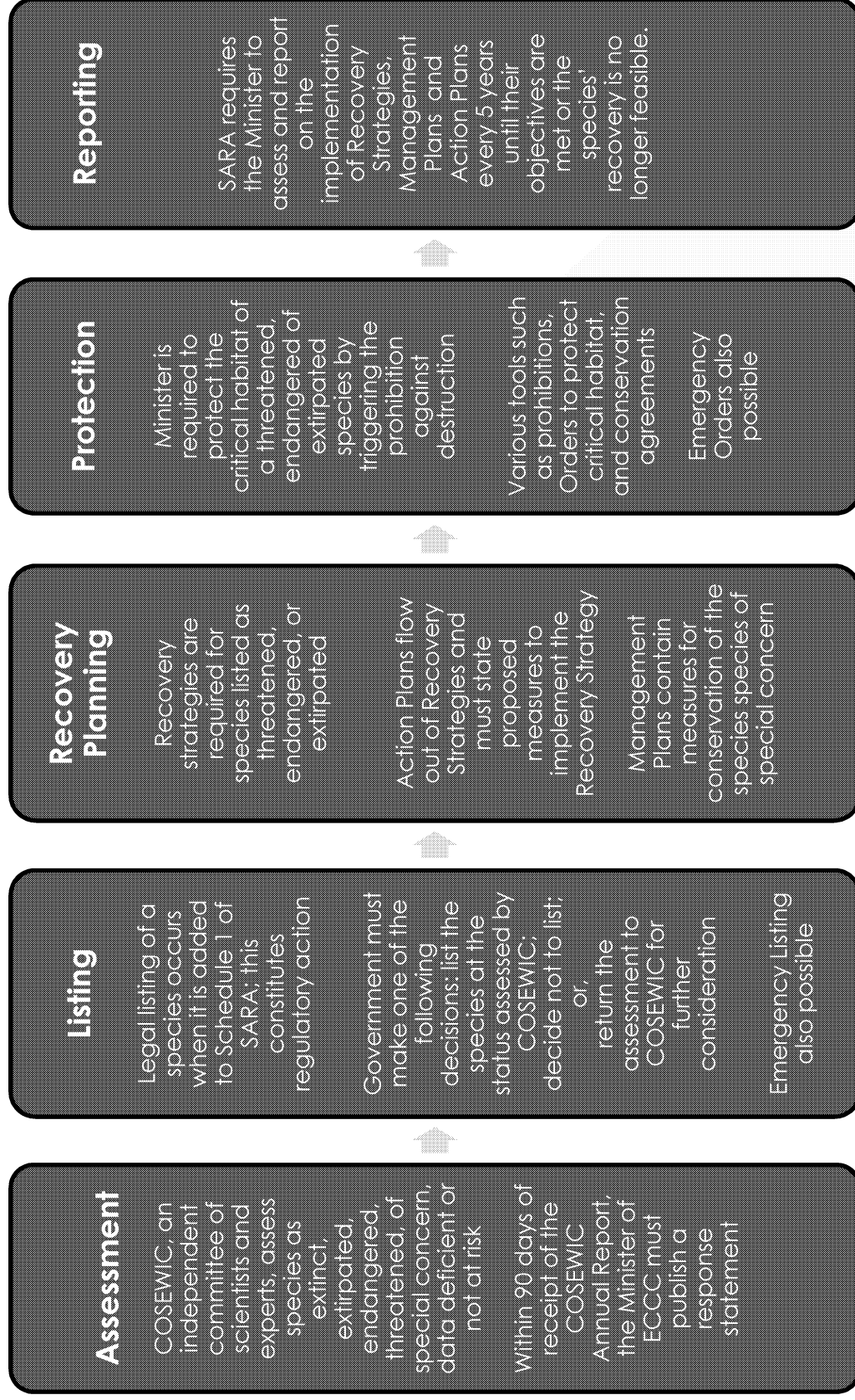


- Addressing the number of species that require **listing decisions**, and **recovery document backlogs**



- Improving **implementation and monitoring of actions** to support on-the-ground recovery of aquatic species at risk

Annex A: SARA – Detailed Process



Annex B: External Engagement Mechanisms

- **Canadian Endangered Species Conservation Council (*Legislative requirement*)**
 - Federal, Provincial and Territorial (F/P/T) Ministers responsible for conservation and management of species at risk, including Minister of DFO (led by Minister of ECCC)
 - Council has not met in recent years and gaps exist regarding the appropriate venue for F/P/T Ministers to discuss species at risk issues
- **National Aboriginal Council on Species at Risk (*Legislative requirement*)**
 - Members include representatives from First Nations, Inuit and Métis communities
 - Purpose: to advise the Minister on implementing the administration of the act; and provide advice and recommendations to the Canadian Endangered Species Conservation Council
- **First Nations Advisory Committee on Species at Risk**
 - Membership consists of regional Assembly of First Nations representation
 - Purpose: to advise the Minister of ECCC and other competent Ministers on the Act
- **Species at Risk Advisory Committee**
 - Membership includes representation from environmental groups, industry, and Indigenous groups
 - Purpose: to provide advice on the implementation of the SARA to the Species at Risk Assistant Deputy Ministers; promote and encourage effective stewardship; and provide advice on federal programs and activities related to species at risk, so as to achieve the purposes of SARA

Annex C: Recent Investments/Funding

- Budget 2018 committed to leverage \$1.09 billion over five years based on a \$500 million investment to deliver the “**Nature Legacy for Canada**,” with the aim of **enabling multi-species and ecosystems-based approaches to the implementation of SARA**.
- DFO was approved for **\$154.8M over five years** for:
 - The renewal and support of its Species at Risk Program;
 - The delivery of \$55M over five years for the “Canada Nature Fund for Aquatic Species at Risk” contribution program;
 - The temporary funding (B-Base) portion of the Habitat Stewardship Program contribution program (the aquatic portion of which is delivered by DFO); and,
 - Funding to explore opportunities to adopt ecosystem, multi-species, common threat and place-based approaches to recovery and protection of aquatic species at risk.



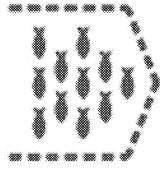
Fisheries and Oceans
Canada

Pêches et Océans
Canada

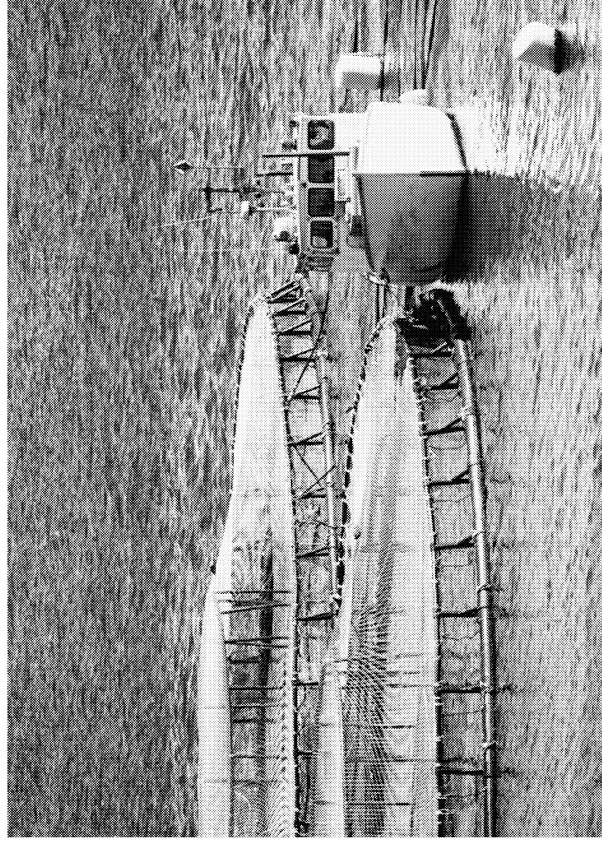
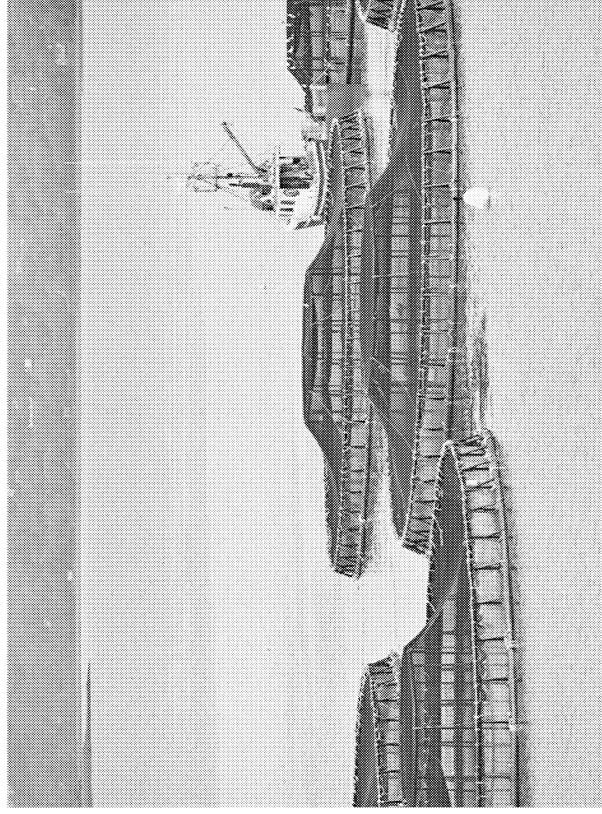
Aquaculture Management Decision-Making

Canada

Purpose



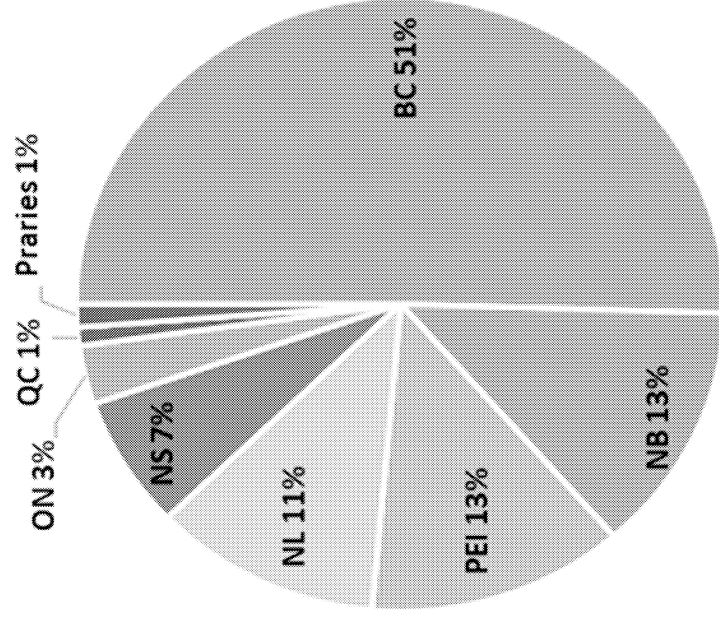
To provide an introductory overview of
Ministerial powers and responsibilities with
respect to aquaculture in Canada



Aquaculture in Canada: Overview

- ✓ 45 different species of finfish, shellfish, and marine algae cultivated commercially.
- ✓ Finfish (mainly salmon) accounts for most production (80 per cent of volume and 93 per cent of value).
- ✓ **1/3 of Canada's total seafood value** and 20 per cent of total production.
- ✓ Over \$2 billion in total economic activity.

Production by Province, 2017



Aquaculture Regulation in Canada

HOW FISH FARMING IS MANAGED IN CANADA

Fish farming is managed by federal, provincial and territorial governments.

How it's managed varies across provinces and territories.

	British Columbia	Rest of Canada	Prince Edward Island
Site Approval Determining where a farm can be located	Shared	Provincial	Shared
Land Management Overseeing the land (seabed) where a farm is located	Provincial	Provincial	Shared
Day to Day Operations & Oversight Monitoring of farm activities	Federal	Provincial	Federal
Introductions & Transfers Managing the planned movement of live eggs and fish	Shared	Shared	Shared
Drugs & Pesticide Approvals Determining which drugs and pesticides are approved for use	Shared	Shared	Shared
Food Safety Monitoring and ensuring the safety and quality of fish harvested and sold in Canada and international markets.	Federal	Federal	Federal

❖ DFO is federal lead for aquaculture; however, it **collaborates with provinces and federal departments** with shared jurisdiction.

❖ **DFO is lead regulator in BC and PEI**; elsewhere, the provinces are the primary regulators

Aquaculture Management

The management of aquaculture occurs through departmental programs and collaboration with partners and stakeholders.

Regulatory Framework and Policy Initiatives

- ❖ Aquaculture federally regulated under *Fisheries Act*, now pursuing an Aquaculture Act and consolidated and improved general aquaculture regulations (GAR).

Programs

1. Sustainable Aquaculture Program (2018-2020) – addresses challenges to growth by streamlining regulations, improving regulatory management, increasing scientific knowledge and science-based decision-making, and ensuring transparency through enhanced public reporting.
2. BC Aquaculture Regulatory Program
3. Fisheries and Aquaculture Clean Technology Adoption Program (FACTAP) (2017-2021)
4. National Aquatic Animal Health Program – co-delivery by the Canadian Food Inspection Agency (lead) and DFO to ensure the health of aquatic resources, and market access for all Canadian seafood.

Governance and Collaboration

- ❖ Federal-Provincial-Territorial coordination via bilateral MOUs and through the Aquaculture Development Strategy (2016-2023)
- ❖ Indigenous and Multi-stakeholder Advisory Body and Technical Working Groups (Fish Health, Area-based Aquaculture Management, Technology)

BC Aquaculture Regulatory Program

Aquaculture Licences

Governance Structure

❖ The *Pacific Aquaculture Regulations (PAR)* came into force December 2010, following a BC Supreme Court decision which determined that **aquaculture in BC falls under federal government jurisdiction**.

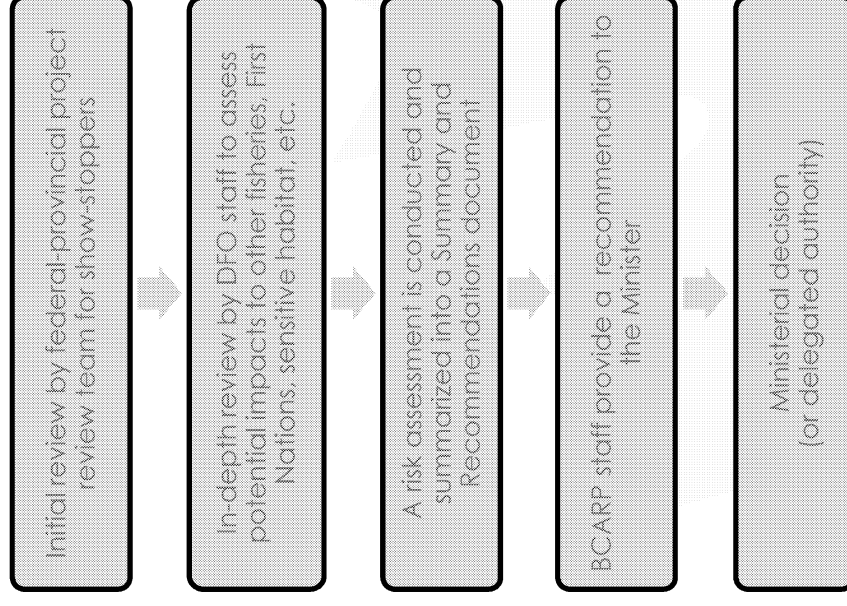
❖ Under the *PAR*, the **Minister may issue an aquaculture licence** authorizing a person to engage in aquaculture and prescribed activities

❑ **In almost all cases this authority is delegated**, and the Regional Director General (RDG) is responsible for approving the licence.

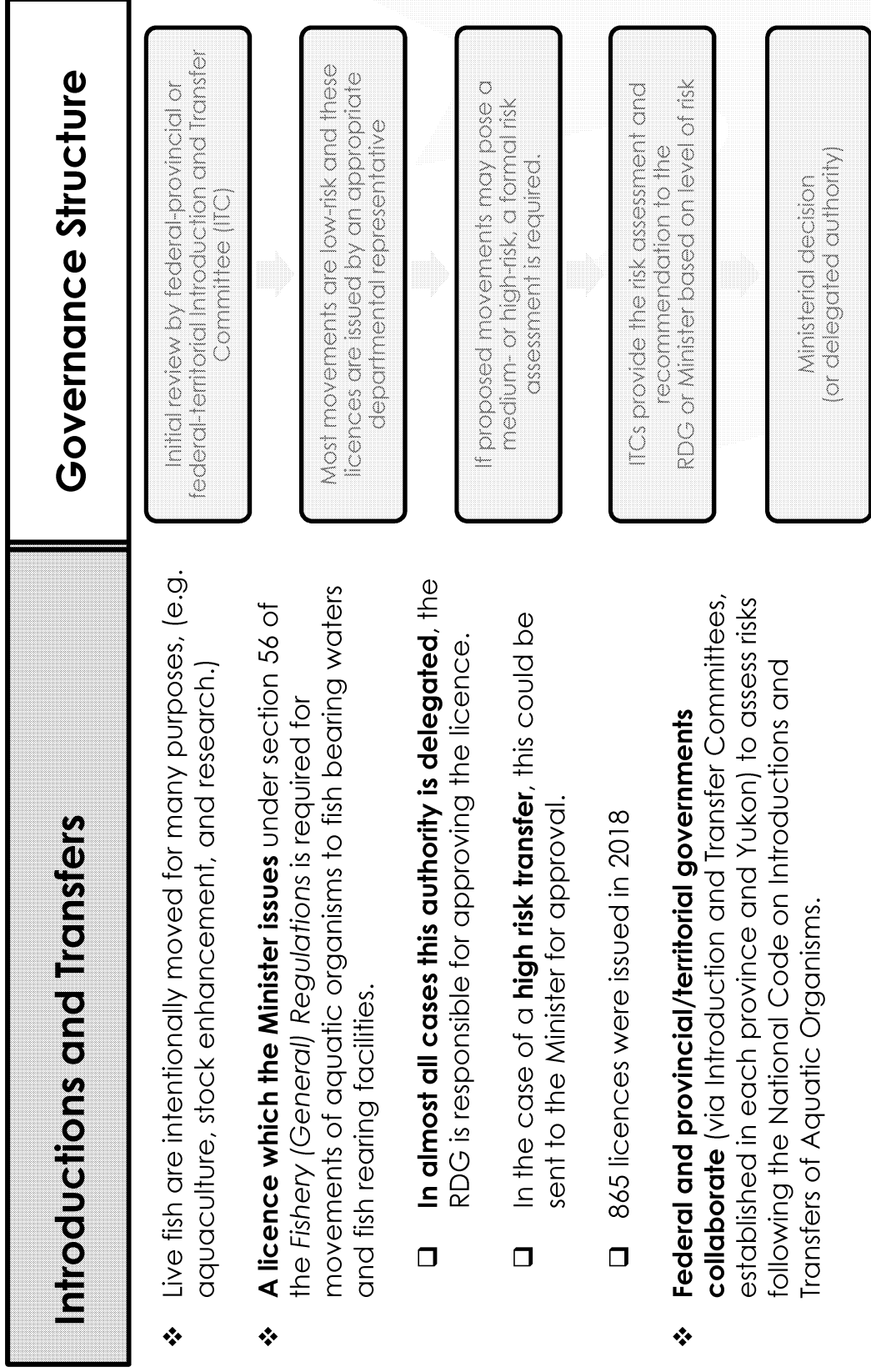
❖ Aquaculture is managed in British Columbia by the BC Aquaculture Regulatory Program (BCARP)

❖ 824 Valid Licences:

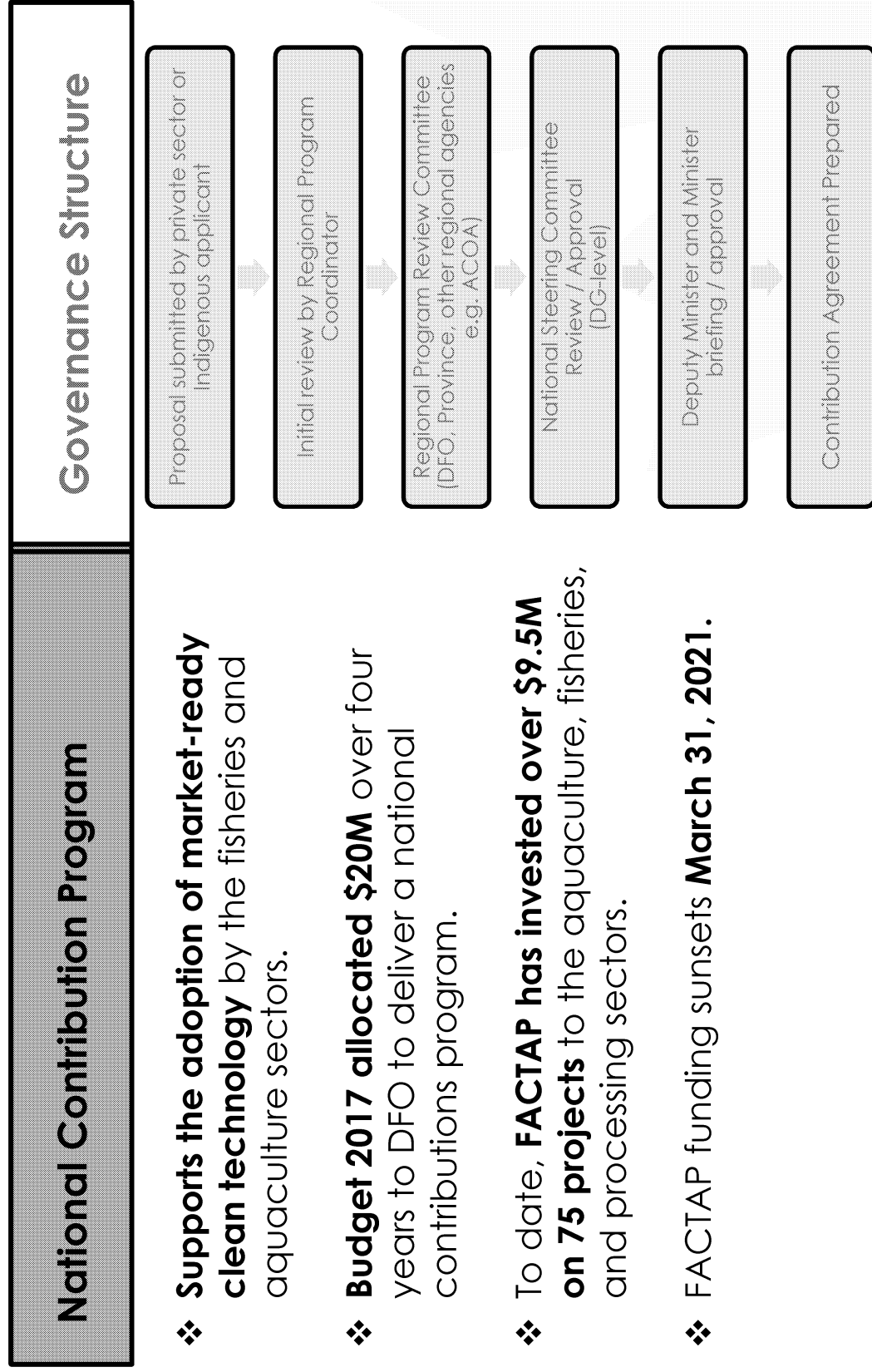
- ✓ 115 marine finfish
- ✓ 480 marine shellfish
- ✓ 110 freshwater/land-based
- ✓ 119 enhancement



Across Canada

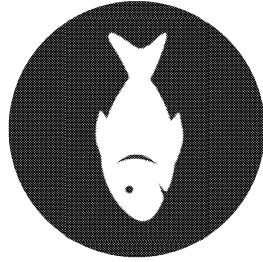


Fisheries and Aquaculture Clean Technology and Adoption Program (FACTAP)



Current Priorities

Key initiatives will require Ministerial approval



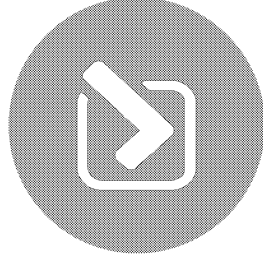
Sustainable Aquaculture Program

Renewal of the Sustainable Aquaculture Program, which will sunset in March 2020.



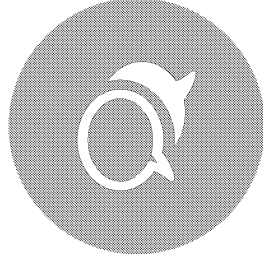
Aquaculture Act

Develop a federal Aquaculture Act that: respects P/T jurisdiction; provides a foundation for enhanced legislative and regulatory rigour; clarity for stakeholders; and, additional certainty, which is an important precondition to fostering investment.



General Aquaculture Regulations (GAR)

Develop the GAR that will streamline and improve existing aquaculture regulatory requirements under the Fisheries Act into one comprehensive set of aquaculture-specific regulations.



Indigenous Multi-Stakeholder Advisory Body

Consider recommendations from the Indigenous Multi-Stakeholder Advisory Body and the technical working groups, expected in early 2020.

Annex: Regulatory Responsibilities

The primary legislative instrument is the *Fisheries Act* through the following regulations:

- 1** **Aquaculture Activities Regulations** (clarifies conditions under which aquaculture operators may treat their fish for disease and parasites, as well as deposit organic matter);
- 2** **Pacific Aquaculture Regulations** (sets out aquaculture licensing and management in British Columbia where DFO is the principal regulator);
- 3** **Fishery (General) Regulations** (regulates release of fish into fish habitat and transfer of live fish to rearing facilities);
- 4** **Marine Mammal Regulations** (authorizes measures to control mammals such as nuisance seals).
- 5** **Atlantic Fisheries Regulations** and **Maritime Provinces Fisheries Regulations** (regulates size and harvest seasons – aquaculture is currently subject to these wild capture regulations);



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Machinery of Government

How the Department supports you in developing policy,
regulatory, legislative, and funding proposals

Canada

Purpose

To provide an overview of key Government of Canada machinery relevant to your role as the Minister of Fisheries, Oceans, and the Canadian Coast Guard.

- **Government by Cabinet:** How does Cabinet relate to ministerial decision making?
- **Memoranda to Cabinet:** What are they and what is the process for bringing one forward for Cabinet consideration?
- **Legislation and Regulations:** How are legislation and regulations made?
- **Budget Cycle:** How does the Budget relate to the Government's priorities?
- **Treasury Board Submissions:** What are they and how is government spending authorized?
- **Main and Supplementary Estimates:** What is required for Ministers to proceed with their approved spending plans?
- **Central Agencies:** What is their mandate and role in these machinery of government processes?

Government by Cabinet

About Cabinet

- Cabinet sets the federal government's **policies and priorities** for the country.
- The Governor General appoints the members of Cabinet on the advice of the Prime Minister (PM).
- Typically several **Cabinet committees** are created, which focus on different issues.

How Cabinet Works

- The PM and ministers make decisions on government policy and initiatives.
- Cabinet considers proposals brought forward by Ministers, typically in the form of **Memoranda to Cabinet** (MC).
- Cabinet discussions and materials are **confidential**, as ministers must be able to express their views freely and frankly.
- Once Cabinet has agreed on a decision, ministers must support that decision in public. This is known as **Cabinet solidarity**.



How does DFO support you at Cabinet?

The Department prepares briefing material on items being presented to each Cabinet and Committee meeting you attend, including departmental considerations and speaking points, when relevant.

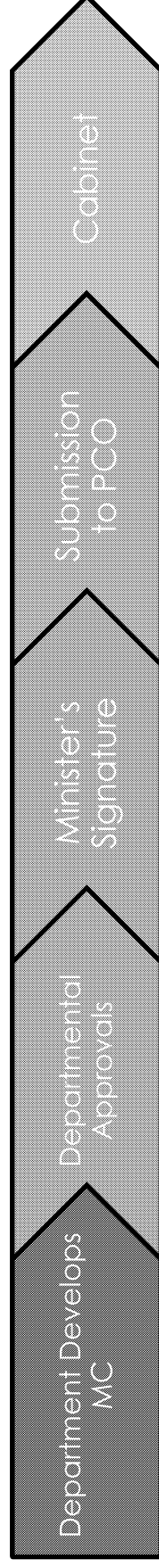


Ministers' Roles

- Participate in one or several Cabinet committees, as assigned by the PM.
- Bring forward **proposals** to Cabinet to consider, for **issues under your purview**.
- **Discuss** proposals at Cabinet, and make **decisions** together with your colleagues.
- Receive **confidential advice** from the Public Service to support your decision-making at Cabinet.

Memoranda to Cabinet

A MC is developed when a Minister is seeking a Cabinet decision on a policy proposal. MCs are brought forward by individual ministers, or by several ministers working together.



Ministers typically bring forward MCs when they wish to:

- advance a **new** policy or initiative;
- **implement priorities** (e.g. Speech from the Throne, Budget) or at the PM's request;
- propose a **substantive change** to an existing program or policy;
- advance a proposal that **implicates other** Ministers' responsibilities, other jurisdictions, or that **may be controversial**; and
- submit **legislative proposals** to Parliament or respond to a parliamentary committee or to private members' bills or motions.



How does DFO support you in developing MCs?

The Department works with your office and other parts of the government to develop options for addressing the policy issue or problem, and outlines key considerations.

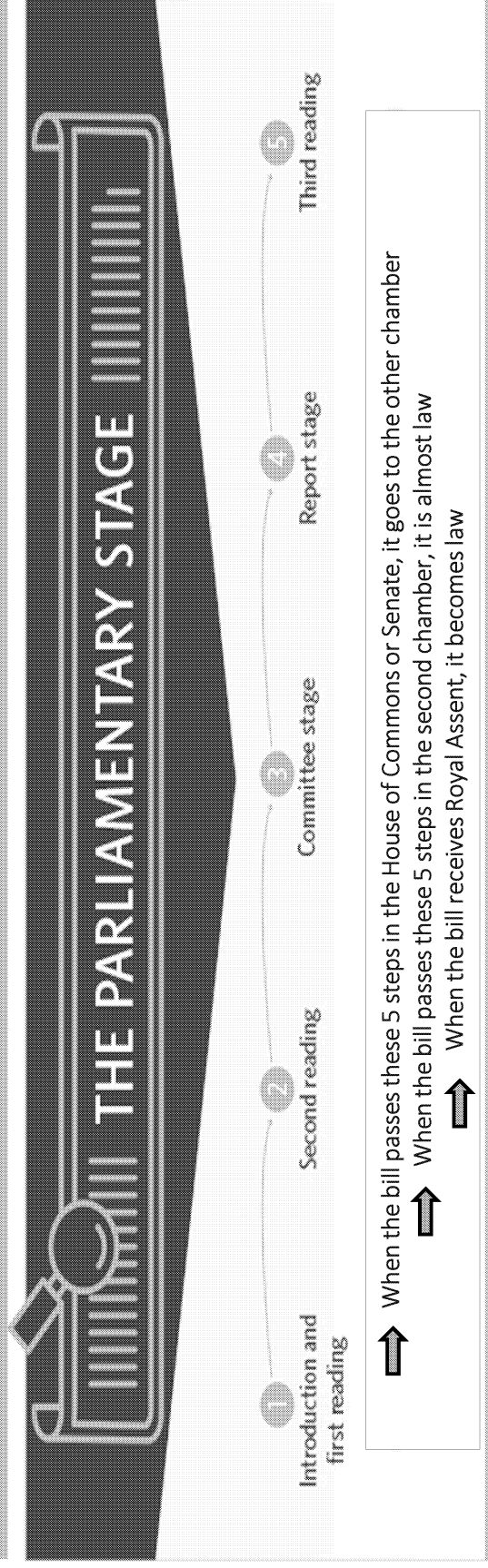
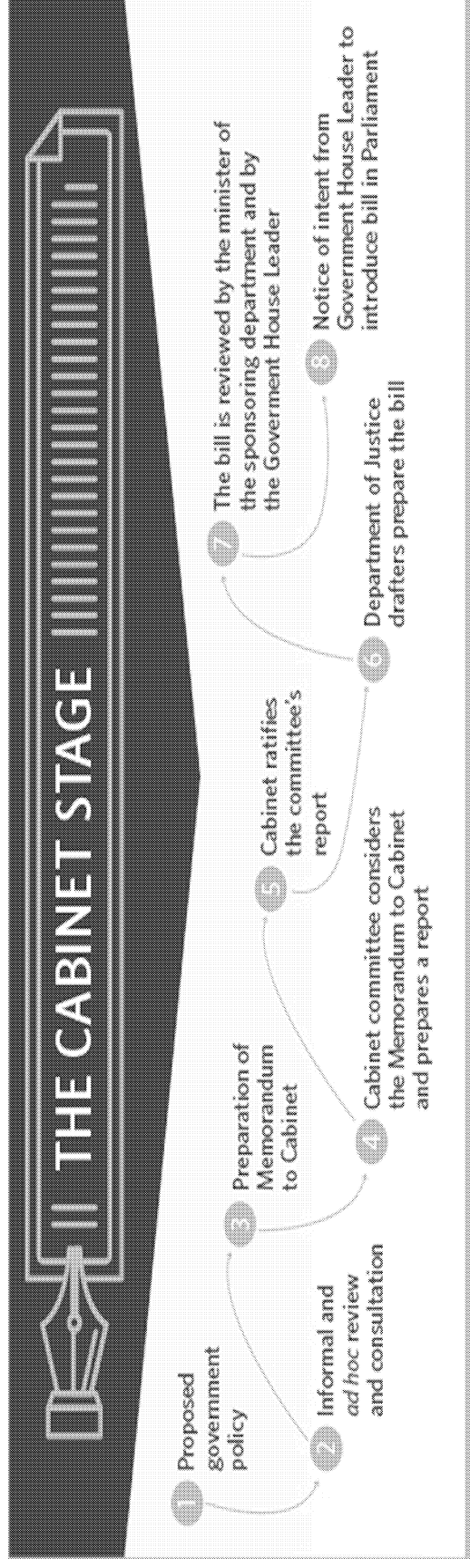
Central Agencies (see Annex) play a key role in making sure MCs are **high quality** (including MC format). They **brief the PM, Minister of Finance, and President of the Treasury Board** on all proposals. PCO also briefs the Chair of each Cabinet committee.

Ministers typically **present MCs** to a Cabinet committee for focused discussion. Then the MC moves to full Cabinet for ratification.

Range of decisions from Cabinet:

- Approve
- Not approve
- Defer decision
- Approve with conditions (e.g., *ad referendum* to funding decision by the Prime Minister and Minister of Finance)

Legislative Development Process

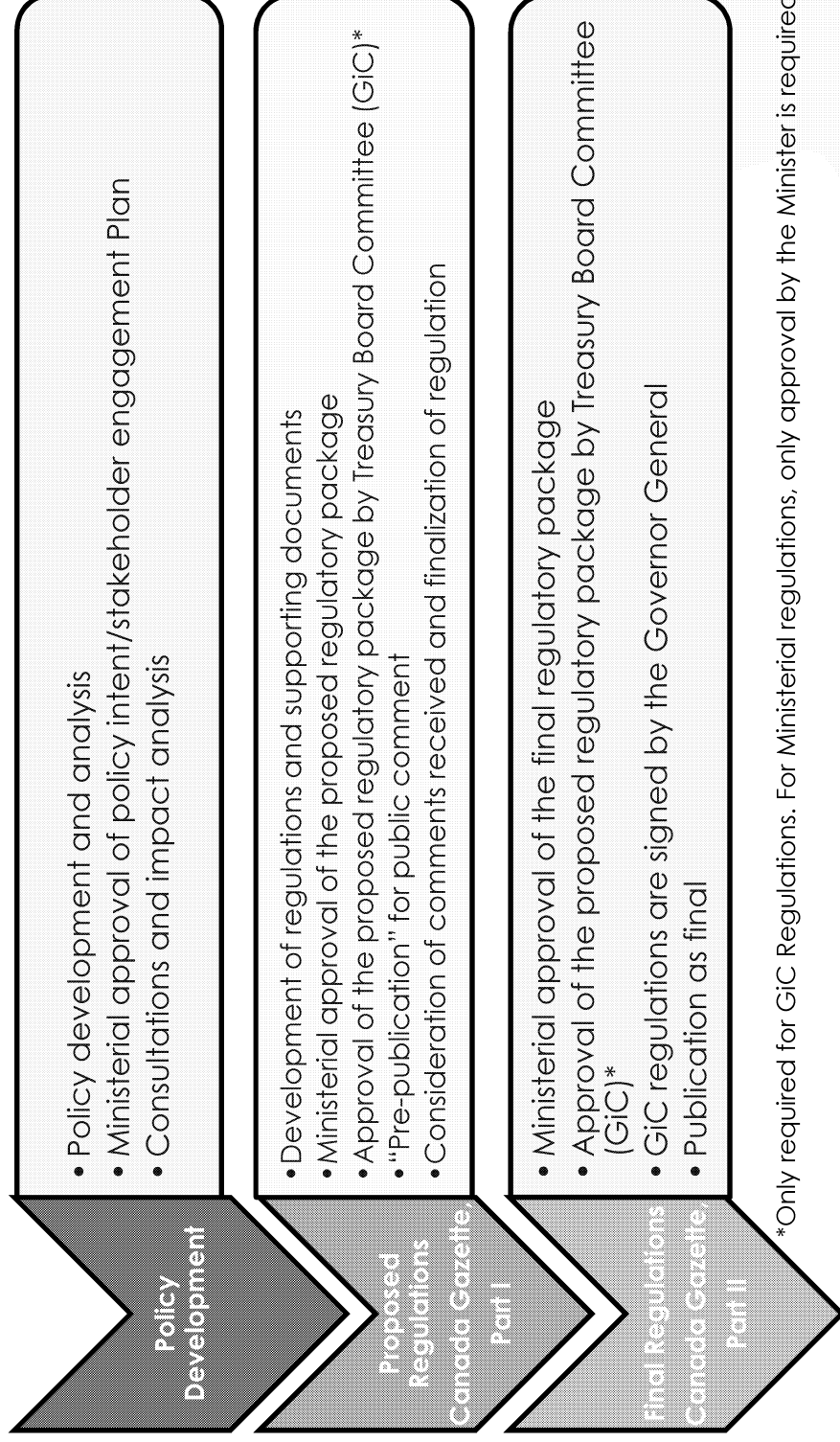


How does DFO support you in developing legislation?

The Department prepares briefing materials, prepares the MC for your approval and Cabinet consideration, and coordinates speeches for debates.

Governor in Council and Ministerial Regulations

Governments use **regulations**, which are laws, in combination with other instruments to achieve public policy objectives. The Treasury Board Committee (Governor in Council, (GiC)), ministers, and administrative agencies are given the authority to make regulations through **legislation** passed by Parliament. The Department utilizes two types of regulations: GiC and Ministerial.



Legislation and regulations are **linked**:

- Parliament creates legislation which provides the authority to create regulations;
- A regulation must strictly conform to the limits established by the legislation that authorizes it; and
- Most legislative schemes depend on regulations to function.

⚙️ How does DFO support you in developing regulations?

The Department develops regulatory proposals, engages stakeholders on the proposed regulatory approaches, and collaborates with the Department of Justice to draft legal text.

Parliamentary Appearances

Parliamentary Appearances

- DFO is associated with two main Parliamentary committees: the **House of Commons and Senate standing committees on Fisheries and Oceans**. On occasion, DFO will participate in other committees when it is an area of interest for the Department.
- Generally, you will be invited to **appear** before a committee for Main Estimates and Supplementary Estimates (House only) and any piece of legislation which you have sponsored (House and Senate).



How does DFO support you?

The Department coordinates your appearances at committees and develops briefing materials for you and your officials.

Question Period/Written Questions/Petitions

- **Question Period** occurs each sitting day in the House and is an opportunity for Members to seek information from the Government and to call it to account for its actions.
- Members of both chambers may request answers to **written questions** from Ministers seeking detailed, lengthy or technical information relating to public affairs.
- **Petitions**, signed by Canadian residents and tabled in the House by Members, are used to draw attention to an issue of public interest and request action.



How does DFO support you?

The Department provides information for your use in question period and works with your office to provide responses to written questions and petitions.

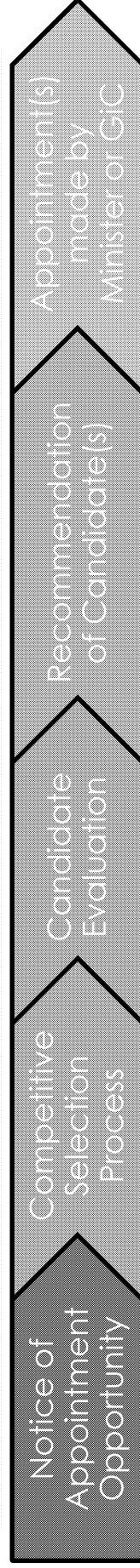
Parliamentary Secretary

- Parliamentary secretaries are members of Parliament from the governing party who are appointed by the Prime Minister to assist Cabinet ministers with their parliamentary duties.
- The responsibilities of the **parliamentary secretary** generally fall into two broad categories: (1) House business and (2) department-related duties.
 - House business includes attending Question Period, steering the Minister's legislation, and supporting the Minister on committee issues and appearing before parliamentary committees.
 - Department-related duties include engaging Canadians and representing Canada internationally. For example, a Parliamentary Secretary may represent the Minister at public events, deliver speeches on behalf of the Minister, and attend international meetings at the Minister's request.

Appointments

The Minister of Fisheries, Oceans and the Canadian Coast Guard is responsible for 124 appointments to 31 organizations:

- **29 Governor in Council (GiC) appointments** to eight organizations; and,
- **95 ministerial discretionary appointments** to 23 organizations.



Governor in Council Appointments

- Notice of Appointment Opportunity is developed with Privy Council Office (PCO) and approved by the Minister
- Competitive advertised selection process administered by a **Selection Committee** comprised of representatives from PCO, the Prime Minister's Office, the Minister's Office, and the Department
- Selection Committee provides an **Advice Letter** to the Minister with a roster of qualified candidates
- Minister recommends candidate(s) for appointment to the GiC through an Order in Council (OiC)
- **Cabinet approval of OiC**

Ministerial Discretionary Appointments

- Notice of Appointment Opportunity is developed
- Competitive advertised selection process is administered through the Department
- Department provides an assessment of candidates and recommends candidate(s) for appointment
- **Ministerial approval of appointment**



How does DFO support you?

The Department designs the Notice of Appointment Opportunity, guides the selection process, and provides highly qualified candidates for your consideration.

Exemptions from a competitive process are permitted for positions reserved for departmental representatives; provincial and territorial representatives; and, Indigenous representatives.

The Budget Cycle

The **annual Budget** outlines planned government spending, expected revenue, and forecasts economic conditions for the upcoming year.

It is an opportunity for the government to demonstrate concrete actions on platform commitments.

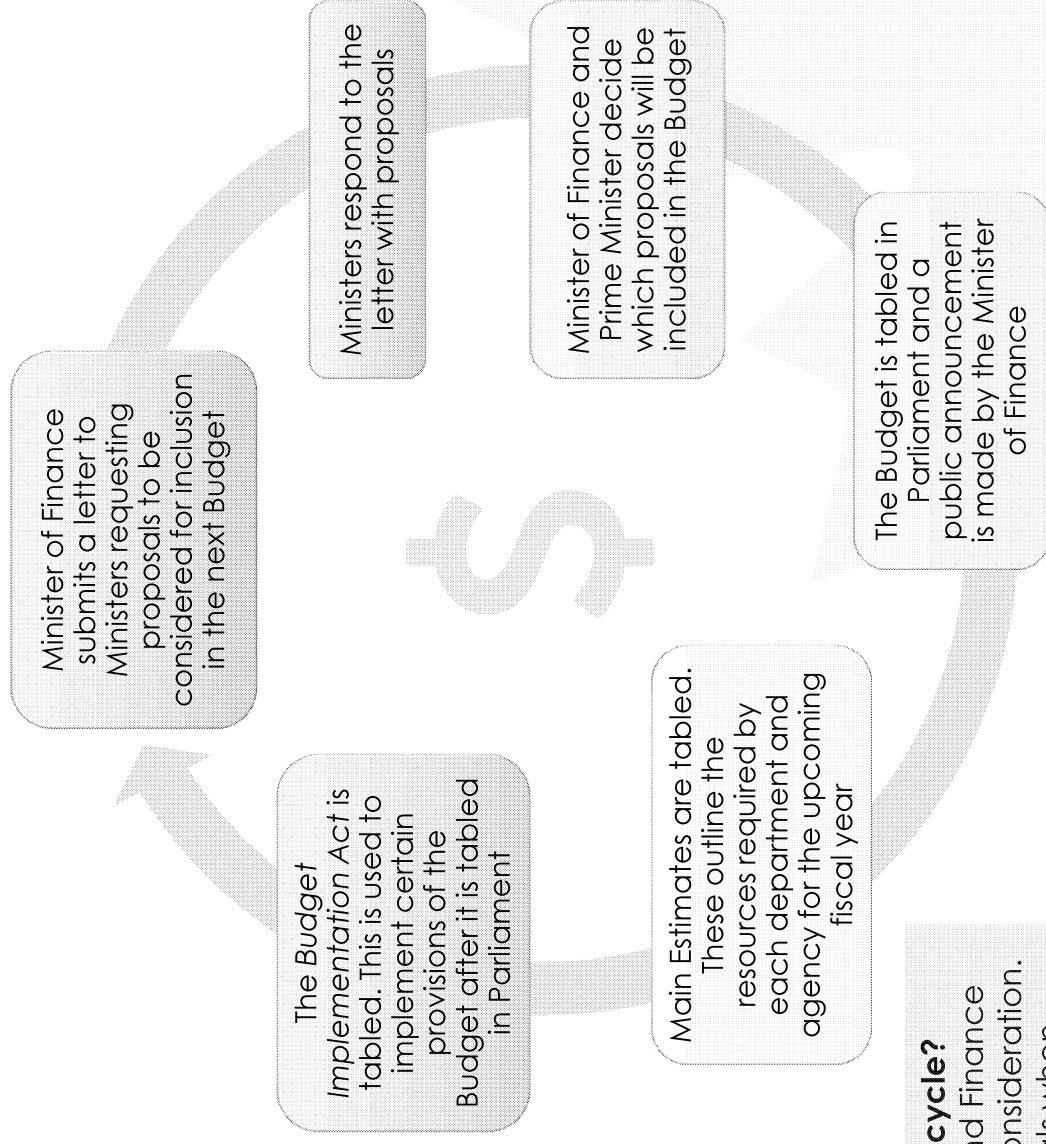
To respond to unforeseen and extraordinary circumstances, funding proposals can be submitted to the Prime Minister and Minister of Finance outside of the annual Budget process as **off-cycle funding requests**.

The Government also usually has a **Fall Economic Statement**.

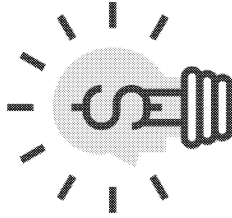


How does DFO support you in the Budget cycle?

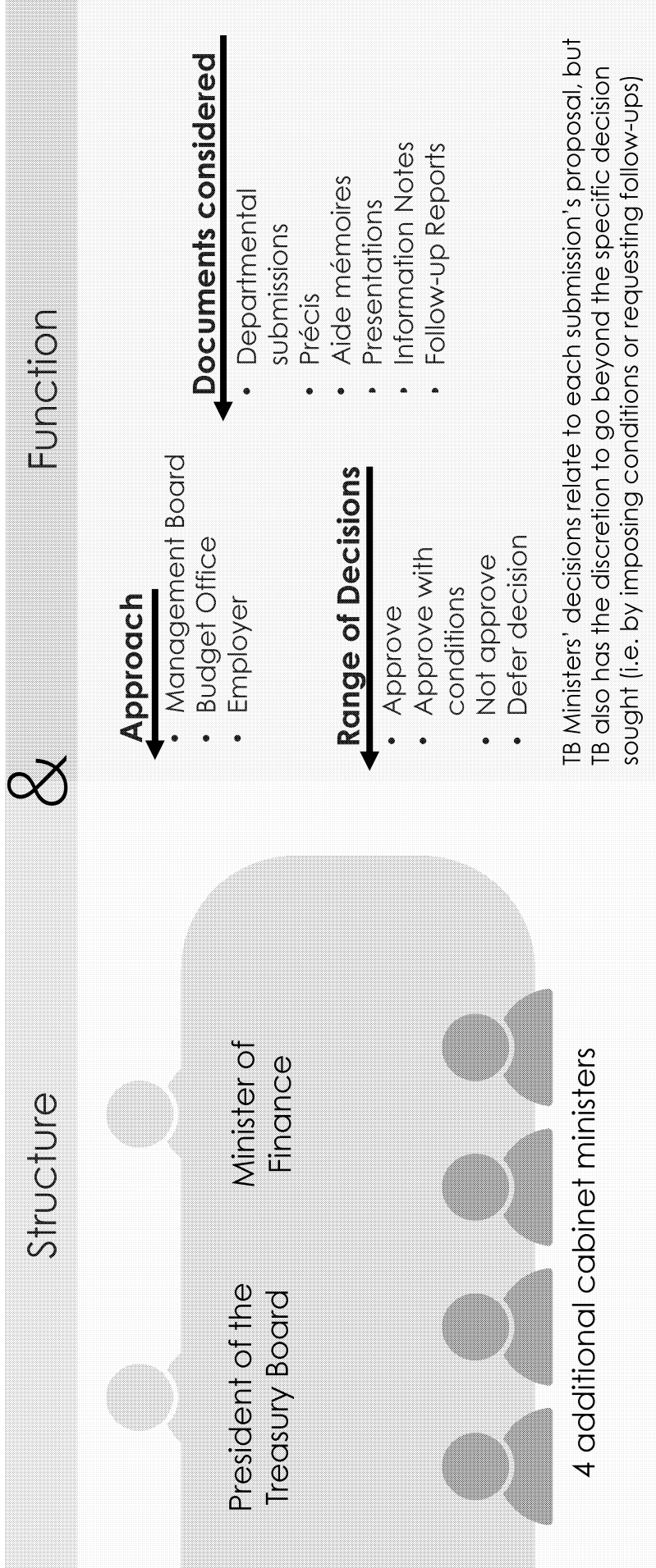
The Department works with your office and Finance Canada to develop proposals for your consideration. You can then choose from these proposals when responding to the Minister of Finance.



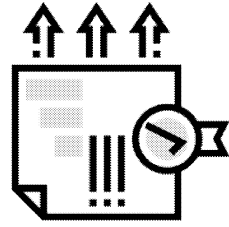
Treasury Board



Treasury Board (TB) is a statutory Cabinet committee that reviews and approves Government of Canada proposals related to spending, personnel, procurement, transfer payments, and IT projects.

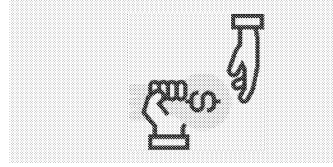


Treasury Board Submissions

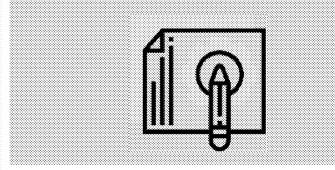


Official Cabinet documents put forward by a sponsoring Minister to seek approvals from the Treasury Board (TB), usually to authorize the implementation of a program, project or procurement.

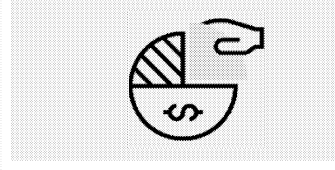
Process: Treasury Board submissions follow a specific process to ensure a robust proposal. Similar to MCs, your department will work with other parts of the Government to prepare them and submit them to TB for you. Typically Ministers do not present proposals to TB.



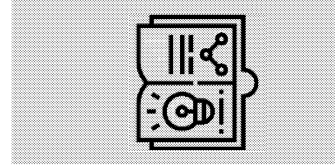
To access previously approved **funding**



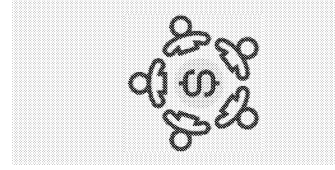
To enter into a contract or undertake a **project** above the department's authority



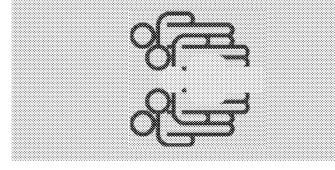
To obtain approval of an **investment plan**



To implement new **TB Policies**, revise existing policies, or delegate related authorities



To name members to **Departmental Audit Committees**



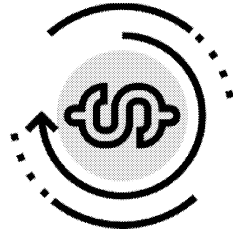
To obtain authority to sign **collective agreements**



How does DFO support you in developing Treasury Board submissions?

The Department works with Treasury Board Secretariat to ensure that proposals are well-substantiated, sustainable, and aligned with the Department's mandate

Main and Supplementary Estimates



Main estimates provide a breakdown, by department and agency, of planned government spending for the coming fiscal year.

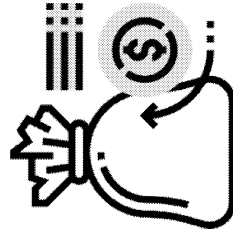
- This information is included as a schedule to the *Appropriation Act* which authorizes government spending. These are required for Parliament to approve for the Government to proceed with its spending plans.



Supplementary estimates present information to Parliament on the Government's spending requirements that were not sufficiently developed in time for inclusion in the main estimates.

- These will sometimes include urgent but unforeseen expenditures and directly support the *Appropriation Act*.

Parliamentary Approval



Funding cannot flow until Parliament grants its approval of the Estimates by passing the related *Appropriation Bill*. Once Parliamentary approval is obtained, the organization can begin to spend money approved for the new initiative.



How does DFO support you in developing estimates?

The Department works with the Treasury Board Secretariat to ensure that the information included in the Estimates aligns with Treasury Board approved authorities

Annex: Central Agencies

Privy Council Office (PCO)

- Assists the Prime Minister in **strategic policy planning**, coordinating the government's policy objectives, and managing major issues.
- Works with departments on their MCs and **challenges departmental submissions to Cabinet** to ensure they meet the needs of Cabinet and that they are consistent with the Government's overall policy direction.



80 Wellington Street (PCO)

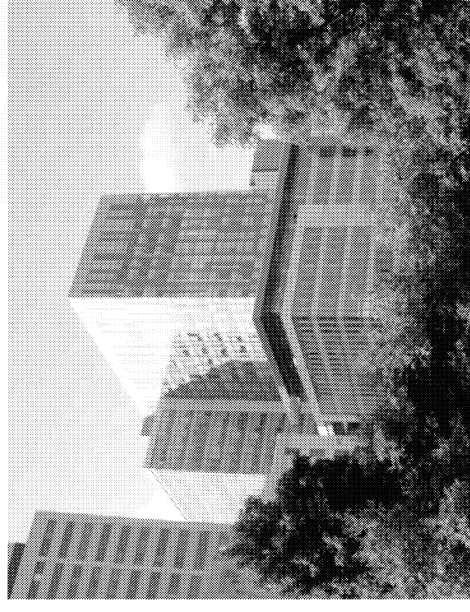
Finance Canada (FIN)

- **Advises the Minister of Finance** on tax policy, financial sector policy, international trade and finance, and federal-provincial fiscal arrangements.
- Assists the Minister of Finance in **developing the annual budget**, where it establishes a fiscal framework within which the government's expenditure system can operate effectively.
- Provides input on MCs as they are being developed.



Treasury Board of Canada Secretariat (TBS)

- Assists the Treasury Board in fulfilling its responsibilities.
- Oversees the **management of budget and credits** and plays a coordinating role in the **preparation of the expenditure budget**.
- Acts as the employer, expenditure authority, and general manager for most of the public service.
- Provides input on MCs as they are being developed.



James Michael Flaherty Building (FIN & TBS)
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Biographies of Senior Management

NHQ Senior Management

1. Timothy Sargent, *Deputy Minister*
2. Jeffery Hutchinson, *Commissioner, Canadian Coast Guard*
3. J.-G. Forgeron, *Senior Assistant Deputy Minister*
4. Mario Pelletier, *Deputy Commissioner, Operations*
5. Andy Smith, *Deputy Commissioner, Strategy and Shipbuilding*
6. Sylvie Lapointe, *Assistant Deputy Minister, Fisheries and Harbour Management*
7. Philippe Morel, *Assistant Deputy Minister, Aquatic Ecosystems*
8. Arran McPherson, *Assistant Deputy Minister, Ecosystems and Oceans Science*
9. Jen O'Donoghue, *Assistant Deputy Minister and Chief Financial Officer*
10. Dominic Laporte, *Assistant Deputy Minister, Human Resources and Corporate Services*
11. Caroline Clark, *Senior General Counsel and Head of Legal Services*
12. Leslie Levita, *Acting Chief Audit Executive*

Regional Senior Management

1. Rebecca Reid, *Regional Director General, Pacific Region*
2. Mary-Ellen Valkenier, *Regional Director General, Maritimes Region*
3. Jacqueline Perry, *Regional Director General, Newfoundland and Labrador Region*
4. Serge Doucet, *Regional Director General Gulf Region*
5. Patrick Vincent, *Regional Director General, Quebec Region*
6. David Nanang, *Regional Director General, Central and Arctic Region*
7. Gabriel Nirlungayuk, *Regional Director General, Arctic Region*
8. Roger Girouard, *Assistant Commissioner, Western Region, Canadian Coast Guard*
9. Gary Ivany, *Assistant Commissioner, Atlantic Region, Canadian Coast Guard*
10. Marc-André Meunier, *Assistant Commissioner, Central & Arctic Region, Canadian Coast Guard*
11. Neil O'Rourke, *Assistant Commissioner, Arctic Region, Canadian Coast Guard*



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Timothy Sargent
Deputy Minister

Experience

Since 2019	Deputy Minister, Fisheries and Oceans Canada
2016-2018	Deputy Minister for International Trade, Global Affairs Canada
2014-2016	Associate Deputy Minister of Finance
2013-2014	Associate Deputy Minister, Agriculture and Agri-Food Canada
2013	Acting Deputy Secretary to the Cabinet (Operations), Privy Council Office
2010-2013	Assistant Secretary to the Cabinet, Economic and Regional Development Policy, Privy Council Office
2007-2010	Assistant Secretary to the Cabinet, Liaison Secretariat for Macroeconomic Policy, Privy Council Office
1994-2007	Various Positions, Finance Canada

Education

Ph.D. (Economics), University of British Columbia

Master of Arts (Economics), University of Western Ontario

Bachelor of Arts (Economics and Econometrics), University of Manchester



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Jeffery Hutchinson **Commissioner, Canadian Coast Guard**

As Chief Executive Officer of the Canadian Coast Guard, ensures that Coast Guard delivers its programs and services and meets its operational performance targets.

Experience

Since 2017	Commissioner, Canadian Coast Guard
2015-2017	Deputy Commissioner, Strategy and Shipbuilding, Canadian Coast Guard
2014-2015	Director General, National Strategies, Canadian Coast Guard
2013-2014	Director General, Integrated Business Management Services, Canadian Coast Guard
2010-2013	Executive Director, Treasury Board of Canada Secretariat
2008-2010	Executive Director, Indian Residential Schools Adjudication Secretariat
2006-2008	General Counsel, Resolution Branch, Justice Canada
2005-2006	General Counsel, Head of Legal Services, Indian Residential Schools Resolution Canada

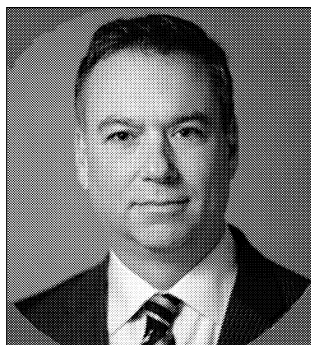
Education

Law Degree, Western University



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Jean-Guy (J.-G.) Forgeron
Senior Assistant Deputy Minister

Responsible for the Department's strategic policy, economics, international affairs, and communications functions.

Experience

Since 2019	Senior Assistant Deputy Minister, Strategic Policy, Fisheries and Oceans Canada
2015-2019	Assistant Secretary, Regulatory Affairs, Treasury Board of Canada Secretariat
2013-2015	Chief of Staff, Office of the Clerk and Secretary to Cabinet, Privy Council Office
2009-2013	Director of Operations, Economic and Regional Development Policy, Privy Council Office
2007-2009	Director General, Strategic Priorities and Planning, Policy Sector, Fisheries and Oceans Canada
2005-2007	Director, Strategic Priorities, Policy Sector, Fisheries and Oceans Canada
2003	Chief of Staff, Office of the President, Atlantic Canada Opportunities Agency
2001-2005	Director, Ministerial Liaison, and Departmental Assistant to the Minister of State, Atlantic Canada Opportunities Agency
1994-2001	Various policy analyst/economist positions, including at: the Atlantic Canada Opportunities Agency; Treasury Board of Canada Secretariat; Department of Finance; and, the Privy Council Office (Intergovernmental Affairs).

Education

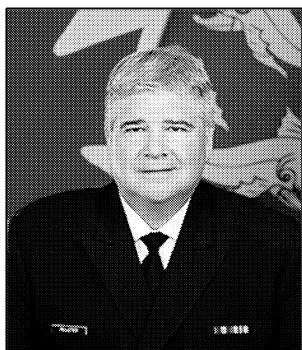
Master of Arts (Public Administration), Carleton University

Bachelor of Arts (Political Science), Dalhousie University



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Mario Pelletier
Deputy Commissioner, Operations

As Chief Operating Officer of the Canadian Coast Guard, oversees all operational activities of the Coast Guard to ensure it delivers its programs and services.

Experience

Since 2015	Deputy Commissioner of Operations, Canadian Coast Guard
2012-2015	Assistant Commissioner, Central and Arctic Region, Canadian Coast Guard
2011-2012	Director General of Fleet, Canadian Coast Guard
2008-2009	Director, Priority Projects, Integrated Technical Services, Canadian Coast Guard
2004-2008	Director, Fleet Safety and Security, Canadian Coast Guard
2001-2004	Manager, Fleet Safety, Canadian Coast Guard
1998-2004	Auditor, Fleet Security, Fleet Safety, Canadian Coast Guard
1989-1998	Marine Engineering Officer, Quebec Region, Canadian Coast Guard
1989	Canadian Coast Guard College, Marine Engineering

Education

Bachelor of Science (Nautical Science), Cape Breton University

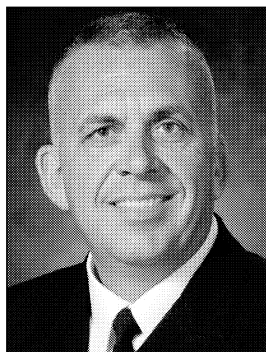
Marine Engineer Certificate, Canadian Coast Guard College

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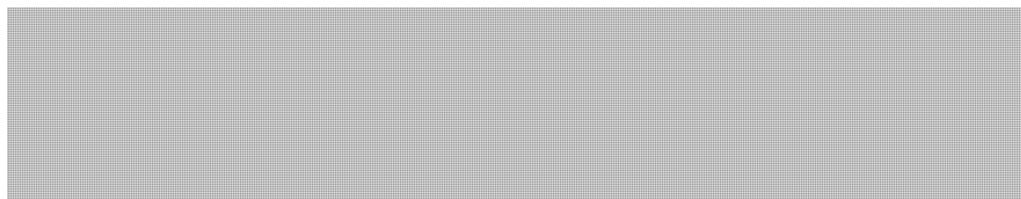
Andy Smith
Deputy Commissioner, Strategy and Shipbuilding

Responsible for providing strategic leadership to further advance the Coast Guard's Fleet Renewal Plan.

Experience

Since 2017	Deputy Commissioner, Strategy and Shipbuilding, Canadian Coast Guard
2013-2017	Associate Assistant Deputy Minister, Real Property Branch, Public Services and Procurement Canada
2010-2013	Chief of Military Personnel, Royal Canadian Navy
2008-2010	Assistant Chief of Military Personnel, Royal Canadian Navy
2006-2008	Director General Maritime Personnel and Readiness, Royal Canadian Navy
2003-2005	Commanding Officer - Fleet Maintenance Facility Cape Scott, Royal Canadian Navy

Education



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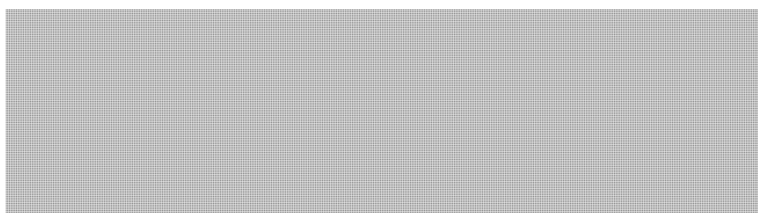
Sylvie Lapointe
**Assistant Deputy Minister, Fisheries and Harbour
Management**

Responsible for the delivery of some of the Department's major programs including Integrated Fisheries Management, Conservation and Protection, and Small Craft Harbours.

Experience

Since 2016	Assistant Deputy Minister, Fisheries and Harbour Management, Fisheries and Oceans Canada
2015-2016	Director General, Fisheries Resource Management, Ecosystems and Fisheries Management, Fisheries and Oceans Canada
2013-2015	Senior Director, Integrated Resource Management, Fisheries Resource Management, Fisheries and Oceans Canada
2011-2013	Associate Director General, International Affairs, Strategic Policy, Fisheries and Oceans Canada
2007-2011	Director, International Fisheries Management, International Affairs, Fisheries and Aquaculture Management, Fisheries and Oceans Canada
2005-2007	Head, International Fisheries, Fisheries and Aquaculture Management, Fisheries and Oceans Canada
2001-2004	Senior International Fisheries Advisor, Fisheries Management, Fisheries and Oceans Canada

Education





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Philippe Morel
Assistant Deputy Minister, Aquatic Ecosystems

Responsible for the Department's programs and program policies related to ocean planning and conservation, fish and fish habitat protection, species at risk, and aquatic invasive species.

Experience

Since 2017	Assistant Deputy Minister, Aquatic Ecosystems, Fisheries and Oceans Canada
2016-2017	A/Senior Assistant Deputy Minister, Ecosystems and Fisheries Management, Fisheries and Oceans Canada
2015-2016	Assistant Deputy Minister-Operations, Ecosystems and Fisheries Management, Fisheries and Oceans Canada
2012-2015	Regional Director General, Atlantic and Quebec Regions, Environment Canada
2008-2012	Regional Director General, Quebec Region, Environment Canada
2005-2008	Director, Strategic Integration and Partnerships, Quebec Region, Environment Canada
2005	Director, Human Resources, Quebec Region, Environment Canada
2000-2005	Director, Finance and Administration, Quebec Region, Environment Canada

Education

École du Barreau du Québec

Law Degree (LL.L.), University of Ottawa

Bachelor of Science (Political Science), University of Montreal

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Dr. Arran McPherson
Assistant Deputy Minister, Ecosystems and Oceans Science

Responsible for science programs to support regulatory decision making and policy development in Canada's oceans and freshwater, and the Canadian Hydrographic Service.

Experience

Since 2017	Assistant Deputy Minister, Ecosystems and Oceans Science, Fisheries and Oceans Canada
2014-2017	Director General, Ecosystem Science, Ecosystems and Oceans Science Sector, Fisheries and Oceans Canada
2011-2014	Associate Regional Director General, Maritimes Region, Fisheries and Oceans Canada
2008-2011	Regional Director, Policy and Economics, Maritimes Region, Fisheries and Oceans Canada
2003-2007	Manager, Species at Risk, Maritimes Region, Fisheries and Oceans Canada
2002-2003	Research Scientist, Maritimes Region, Fisheries and Oceans Canada

Education





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Jen O'Donoghue
Assistant Deputy Minister and Chief Financial Officer

Responsible for the oversight and management of the Department's budget and assets.

Experience

Since 2018	Assistant Deputy Minister and Chief Financial Officer, Fisheries and Oceans Canada
2015-2018	Comptroller and Deputy Chief Financial Officer, Canada Border Services Agency
2010-2015	Executive Director, Program Reforms Implementation, Canadian Institutes for Health Research
2009	Senior Manager, Corporate Business Services, City of Ottawa
2008	Manager, Corporate Planning, Canadian Institutes for Health Research
1999-2007	Progressively senior positions at a global consulting firm, specializing in large scale, technology enabled, business and financial transformation programs.

Education

Master of Business Administration with specialization in Finance, University of Ottawa



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Canada

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Canada



Dominic Laporte
**Assistant Deputy Minister, Human Resources and
Corporate Services**

Responsible for the Department's human resources and corporate services functions.

Experience

Since 2017	Assistant Deputy Minister, Human Resources and Corporate Services, Fisheries and Oceans Canada
Since 2016	Board Member with the Federal Public Service Health Care Plan Administration Authority
2014-2017	Executive Director, Pension Policy and Programs, Office of the Chief Human Resources Officer, Treasury Board of Canada Secretariat
2009-2014	Secretary, then Executive Director and Chief Financial Officer, Canadian International Trade Tribunal
2007-2009	Associate Research Director, Canadian International Trade Tribunal
2004-2007	Legal Counsel, Canadian International Trade Tribunal

Education

Bachelor of Law (LL.B), Faculty of Common Law, University of Ottawa

Bachelor of Civil Law (LL.L), Faculty of Civil Law, University of Ottawa

Bachelor of Economics, University of Ottawa

Member of the Law Society of Upper Canada and the Quebec Bar



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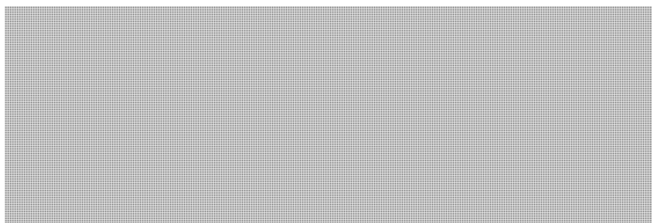
Caroline Clark
Senior General Counsel and Head of Legal Services

Responsible for providing legal advice on program statutes and policies, as well as litigation support related to Fisheries and Oceans Canada and the Canadian Coast Guard civil litigation and/or regulatory prosecutions.

Experience

Since 2019	Senior General Counsel and Head, Department of Justice - Fisheries and Oceans Canada Legal Services
2018-2019	Deputy Assistant Deputy Minister, Department of Justice - Business and Regulatory Law Portfolio
2017-2018	Executive Director and Senior General Counsel, Department of Justice - Environment Legal Services
2016-2017	Executive Director and General Counsel, Department of Justice - Resource Development Coordination Unit
2014-2016	Acting Executive Director and Senior General Counsel, Department of Justice - Aboriginal Law Centre
2013-2014	Director, Aboriginal Affairs and Northern Development Canada Settlement - Agreement Operations, Resolution East
2011-2013	Director and General Counsel, Department of Justice - Aboriginal Children's Issues Legal Services Unit
2007-2011	Counsel and Senior Counsel, Department of Justice - Indian Residential Schools, Legal Services Unit
2001-2006	Counsel, Department of Justice - Ontario Regional Office

Education





Fisheries and Oceans
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Leslie Levita
Acting Chief Audit Executive

Responsible for the Department's internal audit services, including audit operations, professional practices, and the Departmental Audit Committee.

Experience

Since 2019	Acting Chief Audit Executive, Fisheries and Oceans Canada
2018-2019	Senior Director, Internal Audit Services, Fisheries and Oceans Canada
2017-2018	Director, Internal Audit, Global Affairs Canada
2012-2017	Director, Performance Audit, Office of the Auditor General of Canada and Commissioner of the Environment and Sustainable Development
2009-2012	Chief of Staff to the Auditor General of Canada, Office of the Auditor General of Canada
2006-2009	Audit Project Leader/Director, Performance Audit, Office of the Auditor General of Canada
2001-2006	Senior Development Officer, Canadian International Development Agency
2000-2001	Senior International Labour Affairs Officer, Human Resources Development Canada
1998-2000	Development Officer, Canadian International Development Agency
1996-1998	Performance Auditor, Office of the Auditor General of Canada

Education

Master of Arts (International Affairs), Carleton University

Bachelor of Arts (Political Science), Carleton University

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Rebecca Reid
Regional Director General, Pacific Region

Responsible for the planning, management, and delivery of the Department's programs and services for the Pacific Region.

Experience

Since 2015	Regional Director General, Pacific Region, Fisheries and Oceans Canada
2011-2015	Regional Director, Fisheries Management, Fisheries and Oceans Canada
2010-2011	Acting Associate Regional Director General, Fisheries and Oceans Canada
2007-2010	Regional Director, Oceans, Habitat and Salmonid Enhancement Programs, Fisheries and Oceans Canada
2004-2006	Regional Director, Treaty and Aboriginal Policy, Fisheries and Oceans Canada
2002-2003	Regional Director, Policy and Economics Analysis, Fisheries and Oceans Canada
2000-2002	Area Director, B.C. Central Coast, Fisheries and Oceans Canada
1996-2000	Regional Treaty Negotiator, Aboriginal Fisheries Program Manager, Aboriginal Fisheries Program Officer, Fisheries and Oceans Canada
1990-1996	Fish/Shellfish Quality Specialist Inspection Branch, Fisheries and Oceans Canada

Education



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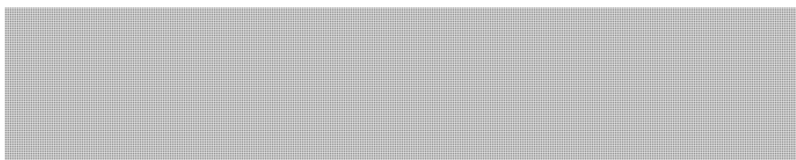
Mary-Ellen Valkenier
Regional Director General, Maritimes Region

Responsible for the planning, management, and delivery of the Department's programs and services for the Maritimes Region.

Experience

Since 2017	Regional Director General, Maritimes Region, Fisheries and Oceans Canada
2016-2017	Associate Regional Director General, Maritimes Region, Fisheries and Oceans Canada
2012-2013	Regional Director General, Eastern Region, Citizenship and Immigration Canada
2008-2012	Director General, Atlantic Region, Citizenship and Immigration Canada
2006-2008	Director, Programs, Atlantic Region, Citizenship and Immigration Canada
2000-2006	Director, Strategic Development Initiatives, Atlantic Canada Opportunities Agency
1999-2000	Acting Director, Programs, Atlantic Canada Opportunities Agency
1997-1999	Manager Program Services, Atlantic Canada Opportunities Agency

Education





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Jacqueline Perry
Regional Director General, Newfoundland and Labrador Region

Responsible for the planning, management, and delivery of the Department's programs and services for the Newfoundland and Labrador Region.

Experience

Since 2018	Regional Director General, Newfoundland and Labrador (NL) Region, Fisheries and Oceans Canada
2015-2018	Regional Director, Fisheries Management, NL Region, Fisheries and Oceans Canada
2014-2015	Regional Director, Strategic Services, NL Region, Fisheries and Oceans Canada
2008-2014	Director, Resource Management and Aboriginal Fisheries, NL Region, Fisheries and Oceans Canada
	Senior Manager, Resource Management, NR Region, Fisheries and Oceans Canada
	Regional Director, Human Resources, NL Region, Fisheries and Oceans Canada
	Superintendent of Strategic and Operational Planning, Canadian Coast Guard
1989	Public Service Commission, Ottawa

Education

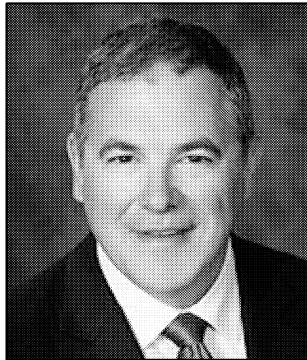


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Fisheries and Oceans
Canada

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Serge Doucet
Regional Director General, Gulf Region

Responsible for the planning, management, and delivery of the Department's programs and services for the Gulf Region.

Experience

- | | |
|------------|--|
| Since 2017 | Regional Director General, Gulf Region, Fisheries and Oceans Canada |
| 2015-2017 | Vice President, Business Growth, Opportunities New Brunswick |
| 2013-2015 | Assistant Deputy Minister, Department of Agriculture, Aquaculture and Fisheries
Province of New Brunswick |



Education





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Patrick Vincent
Regional Director General, Quebec Region

Responsible for the planning, management, and delivery of the Department's programs and services for the Quebec Region.

Experience

Since 2015	Regional Director General, Quebec Region, Fisheries and Oceans Canada
2008-2015	Regional Director, Fisheries and Aquaculture Management, Fisheries and Oceans Canada
2004-2008	Director, Aboriginal Fisheries Management, Fisheries and Oceans Canada
2001-2004	Regional Director, Human Resources, Fisheries and Oceans Canada
1999-2001	Regional Manager, Coordination and Planning, Canadian Coast Guard
1992-1999	Regional Economist, Fisheries and Oceans Canada
1989-1992	Various positions (Junior Economist, Development Officer) within Fisheries and Oceans Canada

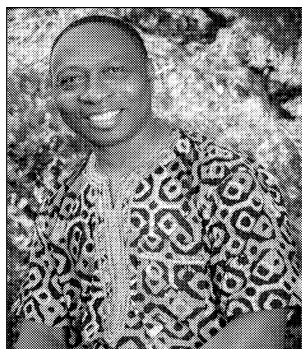
Education





Fisheries and Oceans
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Canada



Dr. David Nanang
Regional Director General, Central and Arctic Region

Responsible for the planning, management, and delivery of the Department's programs and services for the Central and Arctic Region.

Experience

Since 2019	Regional Director General, Central and Arctic Region, Fisheries and Oceans Canada
2012-2019	Director General, Great Lakes Forestry Centre, Natural Resources Canada
2009-2012	Director, Forest Ecology Division, Natural Resources Canada
2005-2009	Various positions in Natural Resources Canada and Indigenous and Northern Affairs Canada: Economist, Environmental and Regulatory Affairs Advisor, and Senior Policy Advisor

Education

Masters of Science in Forestry, Lakehead University

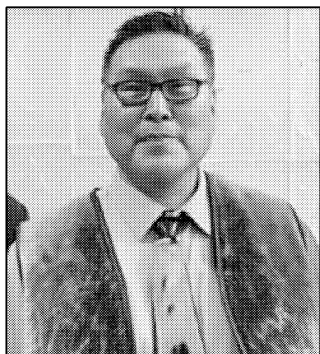
Ph.D (Forest Economics), University of Alberta

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Gabriel Nirlungayuk
Regional Director General, Arctic Region

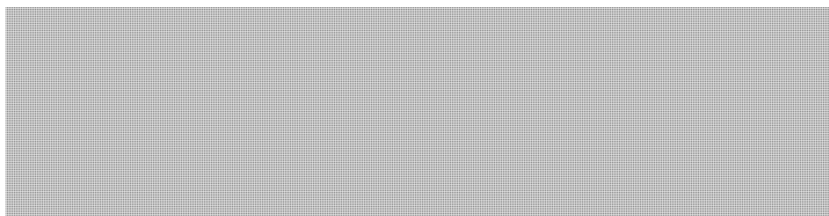
Responsible for the implementation of the Arctic Region in collaboration with Canadian Coast Guard, Arctic Region.

Experience

Since 2018	Regional Director General, Arctic Region, Fisheries and Oceans Canada
2016-2018	Director [REDACTED] Nunavut Tungavik Incorporated
2013-2016	Deputy Minister, Environment, Government of Nunavut
2000-2013	Director [REDACTED] Nunavut Tungavik Incorporated
[REDACTED]	
1998-2005	Director [REDACTED] Nunavut Tungavik Incorporated

Education

Recreation Leadership Program Diploma, Aurora College





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Roger Girouard
Assistant Commissioner, Western Region, Canadian Coast Guard

Responsible for all Coast Guard activities including the provision of programs and services to the marine community and Canadians in the Western Region.

Experience

Since 2007	Assistant Commissioner, Western Region, Canadian Coast Guard
2007-2013	Associate Professor, Royal Roads University
2005-2007	Commander Joint Task Force (Pacific) Commander Task Forces, 2010 Vancouver Olympics Security Commander Maritime Forces Pacific
1999-2005	Commander Pacific Fleet, Maritime Forces Pacific Commander Canadian Maritime Contingent, Commander Task Force 151 Director General, Maritime Personnel and Readiness Special Assistant to Commander, Maritime Forces Pacific Commander Canadian Contingent, International Force East Timor, Dili Group Commander, Operations Group Four
1992-1998	Associate Chief of Staff for Operations, Maritime Forces Atlantic Deputy Commander Naval Reserve, Naval Reserve Headquarters Commanding Officer, HMCS IROQUOIS Senior Staff Officer, Personnel, Plans and Policies, Maritime Command Headquarters

Education

Master of Arts (Leadership and Training), Royal Roads University

Naval Command, United States Naval War College

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Fisheries and Oceans
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Gary Ivany
Assistant Commissioner, Atlantic Region, Canadian Coast Guard

Responsible for all Coast Guard activities including the provision of programs and services to the marine community and Canadians in the Atlantic provinces.

Experience

Since 2019	Assistant Commissioner, Atlantic Region, Canadian Coast Guard
2018	Interim Assistant Commissioner, Central and Arctic Region, Canadian Coast Guard
2017-2018	Senior Director, Operational Support, Canadian Coast Guard
2016-2017	Senior Director, Oceans Protection Plan Implementation, Canadian Coast Guard
2011-2016	Director, Marine Engineering, Integrated Technical Services, Canadian Coast Guard
2008-2011	Various positions in National Headquarters including Engineering Training Officer and Manager, Canadian Coast Guard
1997 - 2008	Various positions aboard Coast Guard vessels including Chief Engineer in Atlantic Canada, Canadian Coast Guard.

Education



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Fisheries and Oceans
Canada

Pêches et Océans
Canada



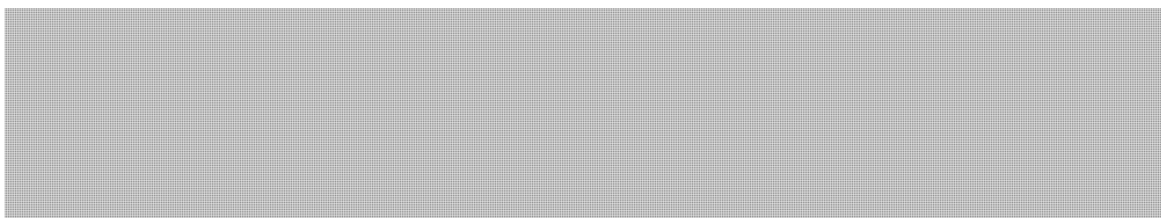
Marc-André Meunier
Assistant Commissioner, Central and Arctic Region,
Canadian Coast Guard

Responsible for all Coast Guard activities including the provision of programs and services to the marine community and Canadians in Central and Arctic Region.

Experience

Since 2019	Assistant Commissioner, Central and Arctic Region, Canadian Coast Guard
Since 2017	Deputy <i>Commander, Régiment de Maisonneuve</i> , Canadian Armed Forces (CAF)
2017-2019	Director of Incident Management, Central and Arctic Region, Canadian Coast Guard Commander of the Coast Guard deployment at the G7 Summit in La Malbaie
2012-2017	Interagency Liaison Supervisor and Coordinator for the headquarters of the 2nd Canadian Division and Joint Task Force (East), CAF
2011-2012	Intelligence and Security Liaison Leader for the headquarters of the 2nd Canadian Division and Joint Task Force (East), CAF
2010-2011	Deputy Commander of the All Source Intelligence Centre for Operation ATHENA and Intelligence Leader for Operation HESTIA, CAF
2007-2010	Military Intelligence Leader for the 2nd Division and Co-director of the Operations Centre of the Joint Task Force (East), CAF
2005-2007	Co-director of the Operations Centre of the Joint Task Force (East), CAF
2005	Information Operations Leader for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Kisangani, CAF
2003-2005	Officer Commanding the Psychological Operations Company and Operations Officer for the Psychological Operations Directorate, CAF
1995-2003	Various officer positions in the CAF, including: Intelligence Officer for Operation PRUDENCE, and Operation PALADIUM

Education





Fisheries and Oceans
Canada

Pêches et Océans
Canada



Neil O'Rourke
Assistant Commissioner, Arctic Region, Canadian Coast Guard

Responsible for enhancing program and service delivery in the newly-formed Arctic Region to better meet the needs of those communities.

Experience

Since 2018	Assistant Commissioner, Arctic Region, Canadian Coast Guard
2018	Senior Director, Safe Shipping and Economic Intelligence, Canadian Coast Guard
2012-2015	Director, Integrated Logistic Support, Canadian Coast Guard
2011-2012	Director, Organizational Restructuring, Canadian Coast Guard

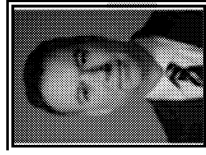
Education

Master of Business Administration, University of Ottawa

Bachelor of Commerce, Carleton University

Senior Fisheries and Oceans Canada Officials

EKME: 3952546



Sector Heads

Senior ADM, Strategic Policy
J.-G. Forgeron

CoS: Justin Turple



ADM, Fisheries & Harbour Management
Sylvie Lapointe

EA: Lindsey Patrick



ADM, Aquatic Ecosystems
Philippe Morel

EA: Julie Richter



ADM, Ecosystems & Ocean Science
Arran McPherson

EA: Stephanie McGill



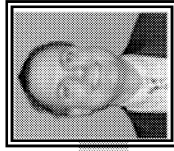
Chief Financial Officer
Jen O'Donoghue

EA: Johanne Mongrain



ADM, Human Resources & Corporate Services
Dominic Laporte

EA: Syed Husainy



Senior General Counsel
Caroline Clark

EA: Wendy Stratton



A / Chief Audit Executive
Leslie Levita

EA: Brigitte Gautam



Deputy Minister
Timothy Sargent

CoS: Jody Proctor
DA: Johanna Hill

Canadian Coast Guard

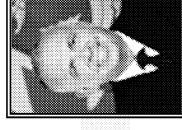


Commissioner,
Canadian Coast Guard
Jeffery Hutchinson

EA: Michelle Martin

Deputy Commissioner,
Operations
Mario Pelletier

EA: Matthieu Lebel



Deputy Commissioner,
Strategy & Shipbuilding
Andy Smith

EA: Marie-Michele Marier

Assistant Commissioner,
Western Region
Roger Girouard

EA: Mary Jacquard



Assistant Commissioner,
Arctic Region
Neil O'Rourke

EA: Krista MacLean

Assistant Commissioner,
Central & Atlantic Region
Marc-André Meunier

EA: Karine Vézina

Assistant Commissioner,
Atlantic Region
Gary Ivany

EA: Wanda Tremblett



Regional Heads



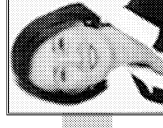
RDG, Pacific
Rebecca Reid

EA: Cara Fogliato



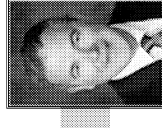
RDG, Maritimes
Mary-Ellen Valkenier

EA: Pauline Rossignol



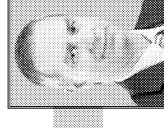
RDG, Newfoundland & Labrador
Jacqueline Perry

EA: Annette Butler



RDG, Gulf
Serge Doucet

EA: Tony Gaudet



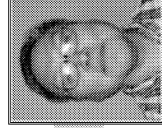
RDG, Quebec
Patrick Vincent

EA: Genevieve Couturier-Dubé



RDG, Central & Arctic
David Nanang

EA: Cindy Scale



RDG, Arctic
Gabriel Nirlungayuk

EA: Aimee J Nagy

ADM – Assistant Deputy Minister
RDG – Regional Director General

Glossary of Key Acronyms Related to Fisheries and Oceans Canada

ADM:	Assistant Deputy Minister
AICFI:	Atlantic Integrated Commercial Fisheries Initiative
AIS:	Aquatic Invasive Species
AOI:	Area of Interest
CA:	Central Agency (i.e., FIN, PCO, and TBS)
	FIN: Finance Canada
	PCO: Privy Council Office
	TBS: Treasury Board Secretariat
CBD:	Convention on Biological Diversity
CCFAM:	Canadian Council of Fisheries and Aquaculture Ministers
CCG:	Canadian Coast Guard
CFA:	Crab Fishing Area
CFN:	Coastal First Nations
CHS:	Canadian Hydrographic Service
CHO:	Critical Habitat Order
CITES:	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COA:	Canada–Ontario Agreement
COSEWIC:	Committee on the Status of Endangered Wildlife in Canada
CSAS:	Canadian Science Advisory Secretariat
C&P:	Conservation and Protection
DFO:	Fisheries and Oceans Canada
DFSA:	Delegation of Spending and Financial Authorities
ER:	Environmental Response
ESA:	Ecologically Significant Areas
FGR:	Fishery (General) Regulations

FFHPP:	Fish and Fish Habitat Program
FFMC:	Freshwater Fish Marketing Corporation
F-P/T:	Federal-Provincial/Territorial
FSC:	Food, Social, and Ceremonial
GIC:	Governor in Council
HTO:	Hunters and Trappers Organizations
ICCAT:	International Commission for the Conservation of Atlantic Tunas
IFMP:	Integrated Fisheries Management Plan
IGA:	Intergovernmental Affairs
IMO:	International Maritime Organization
IPHC:	International Pacific Halibut Commission
ITQ:	Individual Transferable Quota
JRCC:	Joint Rescue Coordination Centres
LFA:	Lobster Fishing Area
MC:	Memorandum to Cabinet
MCT:	Marine Conservation Targets
MCTS:	Marine Communications and Traffic Services
MOU:	Memorandum of Understanding
MPA:	Marine Protected Area
MMPA:	Marine Mammal Protection Act
MSP:	Marine Spatial Planning
NAFO:	Northwest Atlantic Fisheries Organization
NARW:	North Atlantic Right Whale
NCR:	National Capital Region
NICFI:	Northern Integrated Commercial Fisheries Initiative
NIO:	National Indigenous Organization
NSB:	Northern Shelf Bioregion

NSS:	National Shipbuilding Strategy
NWMB:	Nunavut Wildlife Management Board
OECM:	Other Effective Area-Based Conservation Measures
OGD:	Other Government Department
OIC:	Order in Council
OPP:	Oceans Protection Plan
PICFI:	Pacific Integrated Commercial Fisheries Initiative
PSC:	Pacific Salmon Commission
RFMO:	Regional Fisheries Management Organization
SAP:	Sustainable Aquaculture Program
SAR:	Species at Risk; or, Search and Rescue
SARA:	<i>Species at Risk Act</i>
SCH:	Small Craft Harbour
SEA:	Strategic Environmental Assessment
SFF:	Sustainable Fisheries Framework
SOA:	Special Operating Agency
SRKW:	Southern Resident Killer Whale
TAC:	Total Allowable Catch
TMX:	Trans Mountain Expansion
WTO:	World Trade Organization

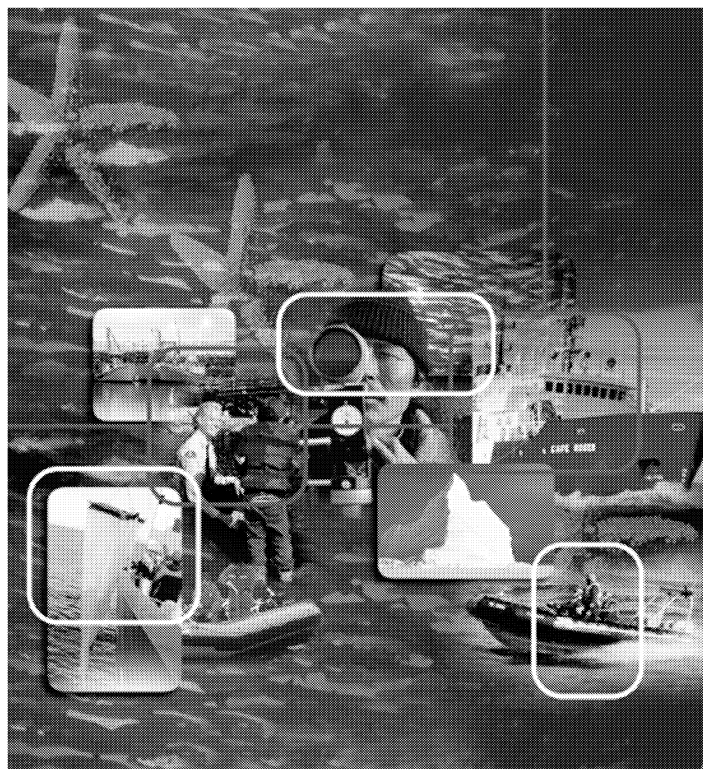


Fisheries and Oceans
Canada

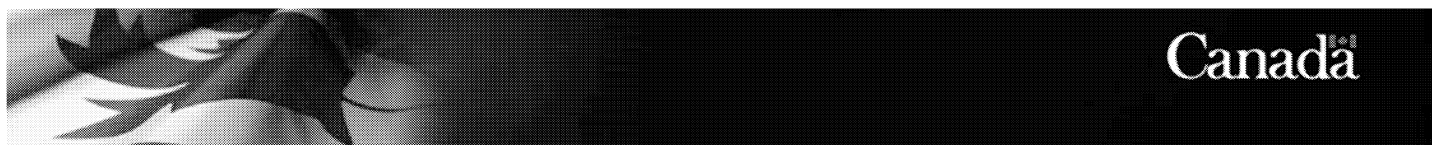
Pêches et Océans
Canada

Transition Book 2: Administrative Procedures

**Minister of Fisheries, Oceans and
Canadian Coast Guard**



Fisheries and Oceans Canada



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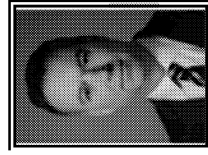
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Senior Fisheries and Oceans Canada Officials

EKME: 3952546



Sector Heads

Senior ADM, Strategic Policy
J.-G. Forgeron

CoS: Justin Turple



ADM, Fisheries & Harbour Management
Sylvie Lapointe

EA: Lindsey Patrick



ADM, Aquatic Ecosystems
Philippe Morel

EA: Julie Richter



ADM, Ecosystems & Ocean Science
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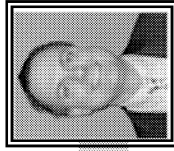
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Caroline Clark

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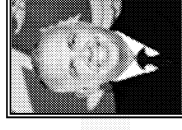


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Roger Girouard

EA: Mary Jacquard



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Marc-André Meunier

EA: Karine Vézina

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Atlantic Region
Gary Ivany

EA: Wanda Tremblett



Regional Heads



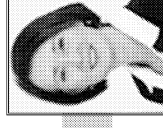
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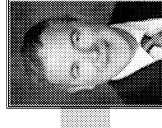
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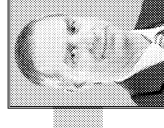
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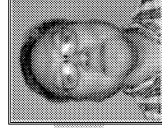
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David Nanang

EA: Cindy Scale



RDG, Arctic
Gabriel Nirlungayuk

EA: Aimee J Nagy

ADM – Assistant Deputy Minister
RDG – Regional Director General

THE OFFICE OF THE DEPARTMENTAL ASSISTANT

Your Ministerial office is supported by the Office of the Departmental Assistant, a small group of departmental staff, paid for by the Department, who are assigned to facilitate the transmittal of non-partisan departmental advice and provide administrative assistance within the scope of your portfolio responsibilities. The Departmental Assistant, who heads this group of staff, is the liaison between the Minister's office and the Department, and manages the interaction between your staff and the Department, as well the sharing of information and documents.

This office is currently comprised of:

Departmental Assistant

- Provides an effective communication link between the Minister's Office, the Deputy Minister's Office, as well as the offices of senior officials in the Department to support and advance priorities/initiatives, and ensure that directions and decisions, as well as the flow of appropriate advice and information, are conveyed with clarity and timeliness.
- Responsibility Centre Manager for both the "Standard Office Accommodations" budget, and the "Departmental Liaison" budget.

The Assistant to the Departmental Assistant/Receptionist

- Coordinates the administrative logistics of meetings between the Minister's Office and the Department, and the movement of dockets between the Department and the Minister's office.
- Provides administrative support to the Departmental Assistant.

Office Manager

- Provides financial and human resource support, advice and reports according to the *Policies for Ministers' Offices* and Departmental requirements.
- Ensures efficient operation of day-to-day office requirements (i.e., health and safety standards; office supplies and furniture; IT equipment, etc.).

**Pages 232 to / à 233
are withheld pursuant to section
sont retenues en vertu de l'article**

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**of the Access to Information Act
de la Loi sur l'accès à l'information**

Autopen Procedures

Overview

Given the number of documents that a Minister of the Crown is required to sign, an autopen is frequently used. Since a signature from the autopen is considered a legal signature, and can therefore bind the Government and the Crown to certain decisions, its use must be carefully controlled. This document outlines the roles and responsibilities, as well as current security and functional procedures for the use of the Minister's autopen at Fisheries and Oceans Canada.

Autopen roles and responsibilities

Autopen personnel are divided into two groups: those who can approve its operation (Authorizers), and those who operate it (Operators). An Operator can only use the autopen following the receipt of written authorization by an Authorizer.

The following is an overview of autopen Authorization and Operation. To ensure adequate coverage and flexibility, it is recommended that select departmental and ministerial staff be assigned Operator privileges.

Ministerial authorization to use the autopen

- At the time of ministerial transition, all previous delegations of authority become null and void, and new delegations must be sought. The Department facilitates the setup and use of the autopen.
- Further, the Delegation of Authority form allows the Minister to delegate signing authority to a named individual, such as the Chief of Staff. The Chief of Staff can also sub-delegate if he/she decides.
- The autopen is only to be used with the written authorization of the Minister, Parliamentary Secretary, or the delegated authority, namely, the Chief of Staff or his/her delegate).
- [REDACTED] Operators will verify the authorization on the docket routing slip before the autopen's use.

Authorization and functional procedures

- Authorizers (Minister, Parliamentary Secretary, Chief of Staff) must provide the transmittal slip with written approval to sign for Operators (Departmental staff) to action the autopen. Only Operators are permitted to use the autopen. No other individuals are authorized to use the autopen under any circumstances.
- It is critical that the routing or transmittal slip clearly contains the word "Approved," and, in the case of decision memos, indicates either "Concur" or "Do Not Concur" for documents to be signed with the autopen. MCU will review the slip before the autopen's use, and will verify authorization.
- Currently, the autopen is stored in [REDACTED] You may choose to continue to keep it in its current location. Once a document is brought to [REDACTED] for signature, it is treated as a priority and processed immediately.

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- Only documents brought to [REDACTED] by authorized staff from the Office of the Departmental Liaison or the Deputy Minister's Office are to be processed. If documents are brought to [REDACTED] by any other individual, MCU is to notify the Departmental Liaison immediately.
- A list of all penned 001 (MCU) and 009 (DMO) dockets shall be provided to the Office of the Departmental Liaison on a monthly basis.
- A full copy of all penned non-001 (non-MCU) dockets (excluding *Questions on the Order Paper*) shall be provided to the Office of the Departmental Liaison on a monthly basis.
- For any material for which there is not a tracking number, an authorization slip will be required with the title of the document, the date, and the signature of the Chief of Staff. Original slips authorizing the use of the autopen are to be kept securely by MCU.
- If no Operator is available and a docket requires urgent action, the Office of the Departmental Liaison will be contacted to seek direction from the Minister's Office.

Security procedures

The following procedures are in place to ensure that the autopen is securely housed and its use is prioritized and monitored.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



Signature Form

Company Name: _____
Shipping Address: _____
Billing Address: _____
Contact: Name: _____ Tel: _____
Fax: _____ E-Mail: _____

If you have a SD memory card reader/writer and want us to email the signature instead of shipping it on a SD card, please check here → ☐ and print your email address here →: _____

Please **MAIL** form to: **DAMILIC Corporation** Telephone: 301-251-2960 or 800-276-7749
601-7 Dover Road Fax: 301-251-8591
Rockville, MD 20850

Please sign your name or text in the box provided on Page Two. **It is important to sign your name EXACTLY as you wish to see it reproduced (both angle and size).** Feel free to copy this form and provide several samples of your signature, being sure to identify the preferred signature.

<u>SERVICE</u>	<u>TURNAROUND</u>	<u>PRICE</u>	<u>SHIPPING</u>
Standard – SD Card	10 Business Days	\$185/Name + \$15/word	All shipping FOB Rockville, MD
Signature File Emailed	10 Business Days	\$155/Name + \$15/word	All shipping FOB Rockville, MD
Standard – Cartridge	10 Business Days	\$195/Name + \$15/word	All shipping FOB Rockville, MD
Expedite order	24 hours	Add an additional \$50	All shipping FOB Rockville, MD

Check your billing preference below:

- ☐ Please send me an invoice when the cartridge/SD memory card is shipped.
☐ Please use my credit card after the cartridge/SD memory card is shipped.

Credit Card Type: _____ Card Number: _____ Exp. Date: _____ Verification No. _____

Will the signature be inverted? (see Note 6 below) Yes ☐ No ☐

Machine Model: _____ **Serial Number:** _____

PLEASE TYPE OR PRINT THE SIGNATURE NAME: _____
(for cartridge/memory card)

GUIDELINES FOR MAKING SIGNATURES

1. Please provide us with **several samples** of this requested signature.
2. It is important to **sign your name EXACTLY** as you wish to see it reproduced. (Both angle and size)
3. Choose the signature you prefer by placing a check mark close to it. If you want us to choose the signature, do not check a selection.
4. Please provide us with the **accurate spelling** of the name.
5. Try to use the same pen for the samples as will be used with the machine. If more than one pen type will be used, please prepare the samples using the finest pen tip that will be used.
6. The left margin on the writing surface is restricted. Therefore, if you intend to sign documents that are closer than one inch on the left side of your document, you will need to buy an inverted signature cartridge/memory card (*signature is reproduced upside down, allowing you to sign from the unrestricted edge*).
7. For signatures on general correspondence we recommend you type a **sample signature block** to assist you, i.e.:

Sincerely,

John Doe, Director

Signascript Signature Signing Machines Distributed by DAMILIC Corporation

Signature Form (Page Two)

PLEASE WRITE YOUR SIGNATURE IN THE BOX BELOW

Make a copy of the form if you are sending more than one sample.

If you send multiple copies of your signature, check (✓) your favorite.

Note: The two dotted lines in the box below are for reference only. *The space between the two dotted lines represents the size of a normal signature block in a letter (blank space between the closing, i.e. Sincerely Yours, and the typed signature and title).* You can write your signature as large or small as you want. However, please note that we will reproduce your signature **EXACTLY** as you give it to us, both in **ANGLE** and **SIZE**).

IMPORTANT – SEND ORIGINAL

Please mail us your original signature sheet to produce the finest signature.

Faxing the form will often distort and change the size of the signature.

If you prefer to email us the signature, please follow the instructions below.

- The signature sheet must be scanned in at 300 DPI using Sharp black and white format.
- The signature should be saved in the .TIF format. We will accept the .JPEG, .GIF or bitmap format; however, our preference is the .TIF format.
- Please provide us with the length and height (highest point) of the signature.
- Please provide us with the accurate spelling of the name.

Signascript Signature Signing Machines, Distributed by:

DAMILIC Corporation

601-7 Dover Road, Rockville, MD 20850

Tel: (800) 345-7446 or (301) 251-2960; Fax: 301-251-8591; www.realsig.com

Auto-Pen Delegation

I, <<Name>>, Minister of Fisheries, Oceans and the Canadian Coast Guard delegate authority to <<Name>> so that he/she may approve the use of my auto-pen signature.

This auto-pen delegation is authorized for the duration of my tenure.

<<Name>>

Minister of Fisheries, Oceans and the Canadian Coast Guard

Date

The following signature will be used to verify all routing slips or auto-pen approval slips sent for auto-pen use.

<<Name>>

Chief of Staff

Date

STAFF COMPLEMENT OPTIONS

In the coming weeks, you will receive a letter from the Treasury Board providing information on your Ministerial budget. Depending on your preferences and regional responsibilities, you will have the flexibility to establish the structure of your office to best suite your needs, within your allocated funding levels.

To assist you in your considerations, please find below some information regarding position titles and salary maximums (of note, there are no set minimums for these positions), as laid out in the *Policies for Ministers' Office*. Please also find enclosed a general office structure model, for your use in your considerations regarding your staffing needs.

The Department will be available to provide human resources support and advice to facilitate the timely arrival of incoming Ministerial staff.

Position	Salary range equivalent to the current maximum of the Public Service level (no minimum)	Salary maximums (\$)
Chief of Staff	EX-02 – EX04	148 100 à 190 000
Director (e.g., Director of Policy, Director of Communications, Director of Issues Management)	EX-02	148 100
Press Secretary	AS-08	114 392
Policy Advisor	AS-08	114 392
Senior Special Assistant	AS-07	107 619
Special Assistant	AS-05	86 788
Support Staff	up to AS-05	86 788
Minister's Private Secretary	AS-06	96 461
Driver	CR-07	71 346
Position (Minister with regional budget)		
Regional Affairs Director	EX-01	132 100
Regional Communications Advisor	IS-05	96 461
Regional Press Secretary	AS-07	107 619
Special Assistant	AS-05	86 788
Position (Minister with a Parliamentary Secretary)		
Parliamentary Secretary's Assistant	AS-05	86 788

. Note: All salaries for exempt staff will be deemed to include compensation for overtime (additional information on compensation for overtime can be found in Transition Book 1: Administrative Procedures, Tab G1, section 3.5.5).

Staffing

Members of a Minister's exempt staff are appointed by you pursuant to section 128 of the Public Service Employment Act and are "exempt" from the appointing procedures of the Public Service of Canada.

Once you have decided on whom you wish to hire, the Department will assist you in bringing the individual on strength through the requirements laid out in the Policies for Ministers' Offices. The first step in the staffing process is verifying the individuals' security status. If they have a valid secret security clearance the Department will verify their clearance using their full name, date of birth and requesting their security file (i.e., from another government department, employment agency, etc.). If the individual does not have a valid secret security clearance, forms will be provided for their completion. These forms are sent to CSIS for analysis and either an approved or denied secret clearance will be obtained. The turn-around time for security clearances varies based on the complexity of the individuals file. More information on the security process can be found in Transition Book 1: Administrative Procedures, Tab F1.

Once a security clearance is obtained, the Department will assist in preparing a letter of offer for your signature. The Department will be available to assist you throughout this process as you may need to consider including a variety of options. An example of an option for the letter of offer would be to accept the transfer of pensionable time accumulated with the federal government in a previous position. It is important to note that you are the only person who can issue/sign a letter of offer of employment (or termination of employment) for your exempt staff, this authority cannot be delegated. An example of a letter of offer with various options can be found in Transition Book 1: Administrative Procedures, Tab C2.

Once the letter of offer is signed by both you and the newly appointed exempt staff, the Office Manager will work with that individual to complete the necessary forms to set up their pay and benefits. Finally, DFO network accounts (email) will be created and electronic devices issued. We will work with you and your Chief of Staff to assign office space and configure their office to best suit their needs.

As a reference, you will find below guidelines from the Policy for the Ministers of the Treasury Board Secretariat on Human Resources Management. Departmental officials will be there to answer all of your staffing questions.

Part 3 — Human Resources Management

3.1 Employment equity

Ministers are not bound by employment equity legislation in the appointment of exempt staff. Nevertheless, the government has expressed its commitment to the principles and to following the spirit of employment equity. Even though the number of exempt staff is small, ministers may wish to ensure that there is a reasonable mix of men and women on their exempt staff, including individuals from designated groups (i.e. Aboriginal peoples, persons with disabilities, and persons in a visible minority group).

3.2 Staffing

Members of a minister's exempt staff are appointed by the minister pursuant to section 128 of the Public Service Employment Act and are "exempt" from the appointing procedures of the Public Service of Canada.

3.2.1 Exempt staff position complements

The Public Service Employment Act (PSEA) identifies only one job title for ministers' exempt staff members, that of executive assistant. However, other job titles have been approved by the Treasury Board. The Exempt Staff Position Structure is available in Appendix A.

A minister or minister of state must respect the following conditions:

- there is a maximum of one chief of staff for any minister or minister of state's office;
- the appointment of a chief of staff is subject to prior written and ongoing agreement of the Prime Minister's Office;
- there is a maximum of one director per function (e.g. Policy, Parliamentary Affairs, etc.);
- there is a maximum of one regional affairs director per region. The appointment of the regional affairs director is subject to prior written and on-going agreement of the Prime Minister's Office;
- if the position of chief of staff or regional director is vacant, the Prime Minister's Office shall appoint an acting chief of staff or regional director; and
- rules regarding position titles and respective salary ranges must be observed; and
- while the number of exempt staff members may vary, subject to section 4.2 the budget for exempt staff granted to a minister or minister of state, as set out via written communication, must never be exceeded without both the prior agreement of the Prime Minister's Office and the approval of the Treasury Board.

Salary maximums for exempt staff are equivalent to the Public Service. A minister or minister of state may only use the salary ranges identified in the table in 3.3.1. Salaries for exempt staff do not necessarily match those of the Public Service. Occupational classification identifiers serve as indicators only.

3.2.1.1 Exempt staff in ministers' offices

Subject to 3.2.1, ministers have the flexibility to configure the complement of exempt staff in their own offices. A minister may use the following positions in the minister's office:

- Chief of Staff (up to the maximum rate of pay for the EX-02, EX-03, or EX-04 level);
- Director (to which should be added the area of responsibility, e.g. Director of Policy, Director of Communications, Director of Parliamentary Affairs and Director of Issues Management) (up to the maximum rate of pay for the EX-02 level);
- Policy Advisor (up to the maximum rate of pay for the AS-08 level);

- Press Secretary (up to the maximum rate of pay for the AS-08 level);
- Senior Special Assistant (to which may, but need not, be added a description of responsibility) (up to the maximum rate of pay for the AS-07 level);
- Special Assistant (to which may, but need not, be added a description of responsibility, e.g. Special Assistant-Communications, Special Assistant-Issues Management, Special Assistant-Parliamentary Affairs, Special Assistant-Policy, Special Assistant-Regional Desk, Special Assistant-MP Liaison and Special Assistant-Appointments) (up to the maximum rate of pay for the AS-05 level);
- Minister's Private Secretary (up to the maximum rate of pay for the AS-06 level);
- Support Staff (up to the maximum rate of pay for the AS-05 level); and
- Driver (up to the maximum rate of pay for the CR-07 level).

3.2.1.2 Exempt staff in ministers' regional offices (MRO)

The following exempt staff members are specific to ministers with regional representation budgets:

- Regional Affairs Director (up to the maximum rate of pay for the EX-01 level);
- Regional Communications Advisor (up to the maximum rate of pay for the IS-05 level);
- Regional Press Secretary (up to the maximum rate of pay for the AS-07 level); and
- Special Assistant (to which may, but need not, be added a description of responsibility, e.g. Special Assistant-Regional Affairs) (up to the maximum rate of pay for the AS-05 level).

Ministers with regional representation budgets have the flexibility to configure their own regional exempt staff complement using existing approved salary ranges for exempt staff; however, they must observe rules regarding position titles and respective salary increments and ranges.

The work location of the regional exempt staff is the MRO, except for a region of ministerial responsibility served from the National Capital Region.

3.2.1.3 Exempt staff in the offices of ministers with a parliamentary secretary

Ministers who have parliamentary secretaries within their portfolio are authorized to hire one exempt staff member dedicated to support each parliamentary secretary. The parliamentary secretary's assistant shall be hired following consultation with the parliamentary secretary. The salary range for the position is up to the maximum rate of pay for the AS-05 level.

3.2.1.4 Exempt staff in the office of a minister of state

A minister of state may employ exempt staff members in any of the following positions using the corresponding salary ranges:

- Chief of Staff to the Minister of State (up to the maximum rate of pay for the EX-01 or EX-02 level);
- Director (to which should be added the area of responsibility, e.g. Director of Policy, Director of Communications, Director of Parliamentary Affairs and Director of Issues Management) (up to the maximum rate of pay for the AS-08 level);
- Policy Advisor (up to the maximum rate of pay for the AS-08 level);
- Press Secretary (up to the maximum rate of pay for the AS-07 level);
- Senior Special Assistant (to which may, but need not, be added a description of responsibility) (up to the maximum rate of pay for the AS-07 level);
- Special Assistant (to which may, but need not, be added a description of responsibility) (up to the maximum rate of pay for the AS-05 level);
- Minister of State's Private Secretary (up to the maximum rate of pay for the AS-05 level);
- Support Staff (up to the maximum rate of pay for the AS-05 level); and

- Driver (up to a maximum rate of pay for the CR-07 level).

3.2.1.5 Exceptions to the exempt staff position structure

These policies are intended to give each minister and minister of state the flexibility to configure the exempt staff complement, positions and titles to meet the demands of that minister or minister of state's portfolio. Subject to approved budgetary limits, and only in exceptional circumstances, ministers and ministers of state may require different exempt staff positions than those identified in this section. Each and every exception for an exempt staff position and salary range must first be discussed with and have the prior written concurrence of the Prime Minister's Office and written approval of the President of the Treasury Board.

The salary maximum for such positions cannot exceed the exempt staff salary range of an EX-04 in a minister's office, or of an exempt staff EX-01 or EX-02 in a minister of state's office, or in a minister's regional office.

A minister whose portfolio includes extremely complex or technical policy issues may increase the salary range for the director of policy to the exempt staff EX-03 or EX-04 level.

3.2.2 Status of the exempt staff after a change in Cabinet

A minister's exempt staff employment ceases 30 calendar days after the minister ceases to be a minister of a given portfolio unless, within that 30-day period:

- the minister appoints the person as exempt staff to his or her new portfolio;
- the person is appointed as exempt staff by the new minister in the same portfolio; or
- the person is appointed to the exempt staff of another minister.

If not reappointed as exempt staff within the 30-day period, all benefits cease (including maternity and parental leave). The former ministers' exempt staff may be eligible to apply for internal advertised appointment processes open to all employees of the Public Service of Canada, pursuant to section 35.2 of the Public Service Employment Act (see section 3.7.6 for more detailed information).

When a minister is appointed to a new portfolio, an exempt staff member accepting an exempt staff position with the minister in a new portfolio is accepting an appointment with a new employer, and as such, new letters of offer should be prepared and signed by the minister in their new capacity. This is also true of exempt staff who accept another exempt staff position with another minister. When an exempt staff accepts a new exempt staff position with a minister, the minister may, at his or her discretion, accept liabilities for severance pay, as applicable vacation leave entitlements and sick leave credits for the previous service as an exempt staff. The exempt staff must receive this approval in writing at the time of hiring.

3.2.2.1 Exempt staff members who remain employed by the same minister

- When exempt staff members remain in the employ of the same minister, either in the original or a new portfolio, they do not receive severance pay, separation pay, or a salary extension for 30 calendar days because their employment does not terminate.
- The appointment, reappointment or continued appointment of a chief of staff or regional affairs director, whether or not the minister's portfolio has changed, is subject to prior written agreement of the Prime Minister's Office.
- Subject to section 3.3.1.2 (principles for setting salary rates) and section 3.3.2 (salary increases), the minister may grant a salary increase for a promotion to a higher level of responsibility as defined in the Exempt Staff Position Structure (see Appendix A). Otherwise, the fact that there

has been a change in Cabinet does not provide sufficient justification for salary increases for exempt staff. There should therefore be no salary increases.

- The cashing out of earned but unused annual vacation leave credits or the transfer of earned but unused leave credits is at the discretion of the minister and is to be done according to the applicable terms and conditions of employment (see section 3.5.1).

3.2.2.2 Exempt staff members appointed by another minister

If another minister employs an exempt staff member within the 30 calendar days:

- the exempt staff member will continue to receive the same rate of pay if appointed to the same exempt staff position, provided that the duties and responsibilities of the position continue to justify the same rate of pay;
- Subject to section 3.3.1.2 (principles for setting salary rates) and section 3.3.2 (salary increases), the exempt staff member may receive a salary increase only on promotion to a more senior exempt staff position (see Appendix A);
- the exempt staff member does not receive severance pay, separation pay, or a salary extension for 30 calendar days because the employment does not terminate; and
- the cashing out of earned but unused annual vacation leave credits or the transfer of earned but unused leave credits is at the discretion of the minister (see section 3.5.1).

The appointment, reappointment or continued appointment of a chief of staff or regional affairs director is subject to prior written agreement of the Prime Minister's Office.

3.2.2.3 If an exempt staff member does not find employment with any minister within the 30 calendar days

In such cases:

- he or she is entitled to receive severance pay calculated at the rate of two weeks' pay for each year of service on the exempt staff, pro-rated with respect to part of a year's service; there is no minimum period of employment to receive severance; and
- he or she may be entitled to separation pay, which is a discretionary payment made only by the minister. Refer to section 3.7.2 for further details.

3.2.2.4 Exempt staff members hired after the 30 calendar-day period

Ministers are encouraged to make decisions as soon as possible within the 30 calendar days after their new appointment or their termination of office to retain or to release exempt staff members. If an exempt staff member is not hired until after the 30 calendar days:

- he or she retains the full amount of any severance pay received; and
- he or she must reimburse a proportionate amount of any separation pay if re-hired or engaged under contract, either directly or hired by or engaged under contract with a government contractor, during the period the payment covers (e.g. if paid four months' separation pay and hired two months after her or his minister left or changed portfolio, the exempt staff member would have to repay two months' separation pay).

3.2.2.5 The parliamentary secretary's assistant

When there is an election and Parliament is dissolved, or when Parliament is prorogued the appointments of parliamentary secretaries cease. Likewise, the purpose of the parliamentary secretary's assistant position ceases. At the discretion of the minister any person in the parliamentary secretary's assistant

position can be terminated with termination benefits (such as severance and separation pay) or reassigned in the minister's office in another position funded from the minister's exempt staff budget(s). Policies governing transfer among minister's office budgets apply.

3.2.3 Contracting for professional or temporary help services

When contracting for professional or temporary help services, the additional requirements and obligations found under Part 7 of these Policies must also be met. Neither professional services contracts nor contracts for temporary help are employment contracts. No employer-employee relationship can be created when entering into such a contract (see section 7.2 for more information).

3.2.4 Other staffing issues

A minister has discretionary authority to use the services of any member of the exempt staff on public business outside the National Capital Region. The salary or fee for that person is chargeable to the minister's exempt staff budget.

As a general rule, at any one time no more than two exempt staff members shall travel with the minister on public business outside the National Capital Region. This limit shall not be exceeded without prior approval of the Prime Minister's Office.

Exempt staff members' names and the positions they hold are not considered as confidential and could be released under any access to information request.

For information on security issues for employees, please see section 2.2 of this document.

3.3 Pay

3.3.1 Salary maximums

3.3.1.1 Position and salary maximums

Salary maximums for exempt staff for the positions set out below are structured as follows (note: occupational classification codes identifiers are nominal only): there are no minimums and the maximums are equivalent to the current maximums of the Public Service groups and levels (EX, AS, IS and CR). Salary maximums for exempt staff automatically change according to approved changes in the equivalent Public Service groups and levels. That notwithstanding, the increases to exempt staff salary maximums are not economic increases and will not automatically result in salary increases for exempt staff. Salary increases are subject to section 3.3.1.2 and 3.3.2. Current salary information for the Public Service can be found at Rates of Pay (for excluded and unrepresented employees) and Rates of Pay for the Public Service of Canada.

Title	Salary range equivalent to the current maximum of the Public Service level (no minimum)
Position (Minister's Office)	
<p>Note:</p> <ul style="list-style-type: none"> All salaries for exempt staff will be deemed to include compensation for overtime. 	

Title	Salary range equivalent to the current maximum of the Public Service level (no minimum)
Position (Minister's Office)	
Chief of Staff	EX-04 or EX-03 or EX-02
Director (e.g. Director of Policy, Director of Communications, Director of Issues Management, Director of Parliamentary Affairs)	EX-02
Press Secretary	AS-08
Policy Advisor	AS-08
Senior Special Assistant	AS-07
Special Assistant	AS-05
Support Staff	up to AS-05
Minister's Private Secretary	AS-06
Driver	CR-07
Position (Minister with regional representation budget)	
Regional Affairs Director	EX-01
Regional Communications Advisor	IS-05
Regional Press Secretary	AS-07
Special Assistant	AS-05
Position (Minister with a Parliamentary Secretary)	
Parliamentary Secretary's Assistant	AS-05
Position (Office of Minister of State)	
Chief of Staff to the Minister of State	EX-01 or EX-02
Director (e.g. Director of Policy, Director of Communications, Director of Issues Management, Director of Parliamentary Affairs)	AS-08
Policy Advisor	AS-08
Press Secretary	AS-07
Senior Special Assistant	AS-07
Special Assistant	AS-05
Minister of State's Private Secretary	AS-05
Support Staff	up to AS-05
Driver	CR-07

*All salaries for exempt staff will be deemed to include compensation for overtime.

3.3.1.2 Principles for setting salary rates

Subject to section 3.3.2, ministers may authorize exempt staff salary increases up to the permitted maximum. An exempt staff member should not be paid the maximum salary unless it can be fully justified by his or her experience and qualifications. There shall be no resulting salary increase when an exempt staff member is appointed to an exempt staff position at the same level in another minister's office.

As a general rule, the maximum salary range is reserved for employees with a relevant professional qualification, 10 or more years' relevant prior employment experience, or extraordinary skills and qualifications.

Where an employee has been actively recruited from a position outside the federal government, the salary of the position from which the employee has been recruited should be taken into account in fixing the place where the employee starts on the salary range.

The number of other employees directly reporting to the employee should be taken into account in fixing his or her position on the salary range.

In exceptional circumstances, a minister may, with the prior agreement of the Prime Minister's Office and approval by the Treasury Board, pay an exempt staff member a salary above the permitted maximum. The minister, the Prime Minister's Chief of Staff and the President of the Treasury Board should first discuss all requests for salaries above the permitted maximum.

Following consultation with the Prime Minister's Office, the Treasury Board may authorize other exceptions to these Policies in special circumstances. The minister should first discuss all such requests with the Prime Minister's Chief of Staff and the President of the Treasury Board.

3.3.2 Salary increases

Only a minister has the discretionary authority to award or withhold salary increases. Salary increases are awarded based on fully satisfactory performance.

Subject to the principles in section 3.3.1.2 and provided funds are available in the exempt staff budget, a minister may authorize salary increases as follows:

- for those exempt staff members whose salaries are below the permissible maximum, a minister has full discretion to increase these salaries, as/when needed subject to the overall cap on ministers' office budgets, not more than once a year until the maximum is reached;
- when an exempt staff is appointed to a position, the first salary increase after the appointment can occur at any time. That first increase establishes the anniversary date for further annual increases in that position;
- once a salary increase has been granted, further annual increases can only be granted on the anniversary date of the first increase. This also applies in situations where there is a change in Cabinet as per section 3.2.2;
- for those exempt staff members whose salaries are at the permissible maximum, a minister may not increase their salaries without the agreement of the Prime Minister's Office and approval by the Treasury Board; and
- for those exempt staff members whose salaries have been agreed to by the Prime Minister's Office and approved by the Treasury Board above the permissible maximum, a minister may increase their salaries by no more than the most recent percentage increase authorized for the corresponding Public Service group and level. A minister may not authorize such increases before the anniversary date of the exempt staff member's appointment or last increase, whichever is later, unless the Prime Minister's Office agrees and Treasury Board approval is obtained.

3.3.3 Acting pay

A minister may authorize acting pay when an exempt staff member temporarily performs the duties of a higher position. To qualify for acting pay, exempt staff members must continuously perform the temporary duties for a minimum of 10 consecutive working days.

3.3.4 Hours of work

The scheduled work week is usually 37 1/2 hours from Monday to Friday inclusively, and the scheduled work day is usually 7 1/2 hours.

3.3.4.1 After-hours meals and transportation

Exempt staff is not eligible for overtime pay, however, an exempt staff member who works overtime extending beyond the normal meal period or who works at least three hours on a day of rest or on a designated holiday, may be reimbursed based on receipts for one or more meals (depending upon the number of meal periods occurring in the overtime period) in accordance with the amounts prescribed in the National Joint Council Travel Directive or with the meal rate negotiated for equivalent groups and levels under collective bargaining of the Program and Administrative Services (PA) Group. Rates for meals are updated regularly; consult departmental financial services for current rates.

When a staff member is required to return to work or to remain at work after normal and reasonable public transportation has ceased operating, the minister has the discretion to authorize a taxi or the kilometric allowance between the person's residence and the workplace, based on the province in which the vehicle is plated (as per the National Joint Council Travel Directive, Appendix B). Only the portion between work and home is reimbursed for contiguous after-hours work, and this is done only when reasonable public transportation is unavailable.

3.3.5 Prime Minister's Office reporting requirements

All information regarding the employment of exempt staff must be reported to the Prime Minister's Office. This would include information on exempt staff hires, salaries, salary increases, promotions, separation payments and terminations/departures. This shall be reported as soon as the change occurs.

3.4 Employee benefits

This section summarizes the major non-salary compensation provisions in the areas of pensions and insurance. More comprehensive information on these terms and conditions of employment, and help in administering them, is available from departmental human resources offices.

For the purposes of entitlements under the Public Service group insurance plans, Chief of Staff, Director, Regional Affairs Director, Press Secretary and Chief of Staff to the Minister of State are in accordance with the Executive (EX) Group, and Director to a Minister of State, Policy Advisor, Senior Special Assistant, Special Assistant, Parliamentary Secretary's Assistant, Regional Press Secretary, Regional Communications Advisor, Minister's Private Secretary, Support Staff and Driver are in accordance with the PA Group excluded from collective bargaining.

A minister's exempt staff participates in the following plans:

3.4.1 Compulsory plans

3.4.1.1 For all exempt staff

- Employment Insurance plan;
- provincial health insurance plans; and
- Canada or Quebec pension plans.

3.4.1.2 Compulsory plans, subject to the normal eligibility requirements of each plan

- Public Service Superannuation Plan;
- Supplementary Death Benefit (Part II of the Public Service Superannuation Act);
- Long-term Disability (LTD) insurance (part of the Public Service Management Insurance Plan); and
- Public Service Dental Care Plan.

3.4.2 Automatic plans (government-paid)

- The following components of the Public Service Management Insurance Plan:
 - basic life insurance equal to twice the adjusted annual salary;
 - accidental death and dismemberment insurance of \$250,000; and
 - dependants' insurance.
- The following components of the Public Service Health Care Plan:
 - single or family Extended Health Care Coverage; and
 - Hospital Benefit, Level III.

3.4.3 Optional plans (member-paid)

3.4.3.1 For those exempt staff positions whose salary maximums are equivalent to the Public Service PA occupational group

- Public Service Health Care Plan (Extended Health Provision plus Hospital Level I, government-paid; Optional Hospital Levels II and III, member-paid).
- The following components of the Public Service Management Insurance Plan:
 - basic and supplementary life insurance, both equal to the adjusted annual salary;
 - accidental death and dismemberment insurance up to \$250,000; and
 - dependants' insurance.

3.4.3.2 For those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group

The following component of the Public Service Management Insurance Plan: additional supplementary life insurance equal to the adjusted annual salary.

3.5 Leave

Costs for leave with pay are charged to the minister's exempt staff budget. Leave for those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group follows the terms and conditions of the Executive Group, which can be found in the Directive on Executive Compensation. These terms and conditions are amended from time to time. Any period of leave without pay under the Special Leave or Education Leave provision of the EX terms and conditions of employment in excess of three months will not be counted as service.

For all other exempt staff members whose salary maximums are equivalent to the Public Service PA occupational group, leave follows the collective agreement for that group and can be found at Program and Administrative services, as amended from time to time.

3.5.1 Vacation leave

Vacation leave entitlements

Determination of leave entitlements is in accordance with section 3.5 above, with the exception that service for the accumulation of vacation leave under this clause will include employment or service with the Public Service, as defined in the Public Service Superannuation Act if severance has not been issued upon termination of such employment. Vacation entitlements are as follows:

- **Those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group**
 - 4 weeks per year on appointment
 - 5 weeks per year after completing:
 - 10 years of service as an Executive Group equivalent and/or as a member of the Executive Group; or
 - 15 years' service, of which 5 years or more are as an Executive Group equivalent or in the Executive Group; or
 - 20 years' service
 - 6 weeks per year after completion of 28 years of service
- **Those exempt staff positions whose salary maximums are equivalent to the Public Service PA occupational group**
 - 3 weeks per year on appointment
 - 4 weeks per year after 8 years
 - 4 weeks and 2 days after 16 years
 - 4 weeks and 3 days per year after 17 years
 - 5 weeks per year after 18 years
 - 5 weeks and 2 days per year after 27 years
 - 6 weeks after 28 years

A minister may authorize an advance payment of the estimated net salary for vacations of two or more complete weeks if this is requested in writing at least six weeks before the last pay day before the vacation begins.

When exempt staff is recalled from vacation leave, they shall be reimbursed for reasonable expenses, as the Treasury Board normally defines them, incurred in travelling to the place of duty and back to the place where they were vacationing, if they resume the vacation immediately. They must submit expense accounts with receipts. When the minister cancels or alters vacation leave that was previously approved, the employee shall be reimbursed for any reasonable monetary penalty incurred in cancelling reservations.

If a person on the minister's exempt staff ceases to be employed or dies, the person or the estate shall be paid for any earned but unused vacation leave, except management leave, according to the following formula:

(days of unused vacation) X (daily pay rate on the day service ends)

In the event of the termination of employment for reasons other than death, a change in government or when the minister ceases to be a minister, unearned vacation leave taken by the employee will be recovered from any monies owed upon termination.

3.5.2 Cashing out of vacation leave

Exempt staff may cash out any or all of their earned but unused vacation leave at any time during the fiscal year with the approval of their minister.

3.5.3 Statutory leave

The following are designated paid holidays:

- New Year's Day;
- Good Friday;
- Easter Monday;
- the day fixed by proclamation of the Governor in Council for celebration of the Sovereign's birthday;
- Canada Day;
- Labour Day;
- the day fixed by proclamation of the Governor in Council as a general day of Thanksgiving;
- Remembrance Day;
- Christmas Day;
- Boxing Day; and
- one additional day that is recognized as a provincial or civic holiday in the area where the person on a minister's exempt staff is employed or the first Monday in August in any area where no such day is recognized as a provincial, or civic holiday.

Ministers' exempt staff is not entitled to designated paid holidays if they are on leave without pay on the full working day immediately before and the full working day immediately after a designated paid holiday.

3.5.4 Election leave

A member of a minister's exempt staff is required to resign or request leave without pay in order to seek nomination. The leave period may end (and the individual may return to his or her duties) once the nomination race has ended, whether or not that person is successfully nominated.

Any exempt staff member who has been nominated as a candidate in a municipal, provincial or federal election or by-election and wishes to campaign prior to the issuance of a writ must do so on their own time. Any exempt staff member who wishes to campaign as a candidate after the issuance of a writ in an election, must resign or be granted leave without pay, at the minister's discretion.

After the writs are issued or once Parliament or any provincial legislature or territorial council is dissolved, the exempt staff member should avoid declaring or having himself or herself declared by others to be a candidate before he or she has resigned or started the leave without pay.

Should a member of the minister's exempt staff decide to become actively involved on a full-time basis in a federal, provincial, or territorial election or by-election, the member is required to take leave without pay or resign his or her position. If a member becomes engaged in campaign activities on a part-time basis, his or her involvement must be on his or her own time and not during regular office hours. No vacation leave or any other leave with pay will be permitted for election purposes.

3.5.5 Management leave

When exempt staff members must work overtime hours, or when they work or travel on a day of rest or on a holiday, they may be granted management leave (leave with pay). This leave is granted as a minister considers appropriate, with the appropriate documentation. Management leave should be granted as soon as possible after the period that justifies it and must not exceed the overtime hours worked or spent in travel. In no circumstances shall management leave be granted after an election has been called or as compensation for election activities.

3.5.6 Other leave

A minister may grant leave of absence with pay, for a period of no longer than two weeks, when the place of work has been rendered uninhabitable and the employee cannot perform his or her duties until an alternative place has been found or when the employee is required or urgently needed to help with a community emergency.

3.6 Departmental staff assigned to ministers' offices

The Treasury Board authorizes departmental staff complements and personnel costs budgets to be provided from existing departmental resources. In keeping with the Public Service's non-partisan tradition, departmental staff assigned to a minister's office may provide only non-partisan departmental advice or administrative assistance that falls within the scope of the minister's portfolio responsibilities. The duties of the Departmental Assistant assigned to a minister's office would normally include liaising between the minister's office and the department, as well as managing the sharing of information and documents. The duties would also include providing, in collaboration with the deputy minister and senior departmental officials, advice on departmental issues to the minister and his or her exempt staff.

A minister is permitted one Departmental Assistant, which could be classified at a level equivalent to PM 06, EX 01, or EX 02, commensurate with the breadth of knowledge and expertise required for this position. In addition, the minister is permitted one departmental administrative support position classified at a level equivalent to AS-01 and one departmental corporate support position classified at a level equivalent to AS-04 who will assist with financial and human resourcing planning; that these three positions are not charged against the minister's departmental staff budget, but directly from existing departmental reference levels. This is the maximum complement of departmental positions funded directly by the department. Any other remaining departmental staff positions are considered to be support staff positions and must be funded from the minister's departmental staff budget. There can be a maximum of one senior support staff position. All other positions may only be classified up to the AS-04 level. These departmental staff dedicated to a minister's office must be funded from the departmental staff budget allocated to the minister.

A minister may hire as many departmental staff as the departmental staff budget will allow; however, subject to 4.2 departmental staff budget maximums may not be exceeded without prior Treasury Board approval.

Ministers should make available the services of their departmental staff to assist ministers of state.

Maximum levels for departmental staff for ministers' offices are indicated in the following table:

Departmental Employees	
Position Titles	Public Service Level (up to) <small>table 1 note *</small>
Table 1 Notes Table 1 Note 1 Public Service classified levels and salary increments within ranges will apply. Return to table 1 note * referrer	
Departmental Assistant	EX-02 or EX-01 or PM-06
Departmental Administrative Support Staff	AS-01

Departmental Employees	
Position Titles	Public Service Level (up to) <small>table 1 note *</small>
Departmental Corporate Services Staff	AS-04
Senior Support Staff	AS-05
Support Staff	AS-04

*All salaries for exempt staff will be deemed to include compensation for overtime.

Departmental staff assigned to a minister's office are Public Service employees in the employ of their department. These persons cannot transfer with a minister when he or she changes portfolio. Persons whose main duties have been to provide a personal service to a minister however are an exception, since the personal service they provide is more important than their knowledge of departmental organizations or responsibilities. For this reason, two departments may make arrangements to transfer such persons, provided this does not duplicate roles.

The Treasury Board will consider any other requests for exceptions to this policy. In developing proposals for exceptions, ministers should give due consideration to the potential implications for departmental employees who may be displaced by other Public Service employees who may move from the previous portfolio.

Departmental staff may be physically located near the minister's office and normally receive direction from the minister or exempt staff members in the conduct of the business of the minister's office. They are, however, at all times an integral part of the human resources of the department and, as such, are ultimately responsible to departmental authorities.

Departmental staff in ministers' offices should not provide services that are readily available in the department. Ministers should look to the deputy minister for professional advice and support on both policies and operations across the full range of their responsibilities.

3.7 Termination

In all cases (i.e. resignation, death, dismissal, layoff, and retirement), discretionary separation payments are in addition to any severance pay entitlement.

As soon as they are known, the minister, or his or her delegate, is responsible for communicating to the Office of the Conflict of Interest and Ethics Commissioner the names and titles of all exempt staff members whose employment has terminated or who have left the minister's office. The Office of the Conflict of Interest and Ethics Commissioner will communicate with all exempt staff members regarding their post-employment obligations under the Conflict of Interest Act.

3.7.1 Severance pay and transferring in previous service

Employees have a right to severance pay when they end their services voluntarily, are dismissed, die, or are laid off owing to lack of work or discontinuance of a function. Severance pay stays the same, whatever the circumstances of termination; that is, the amounts will be the same for resignation, death, dismissal, lay-off, and retirement.

When a person on a minister's exempt staff ceases to be employed, severance pay is calculated at the rate of two weeks' pay (based on salary at termination) for each year of service. "Service" for this purpose

refers to service as an exempt staff member only. Calculations are pro-rated in respect of part of a year's service. There is no ceiling on the maximum number of weeks to be paid.

Severance payments are to be funded centrally, through a central Treasury Board Vote, as required.

For severance purposes, in certain cases ministers may recognize (or "transfer in") an exempt staff member's previous service with a member of Parliament's staff. The exempt staff member must have gone directly from this service to the minister's office (in other words, there must not have been a break in service of more than three months). Furthermore, the exempt staff member must not have received severance payment from Parliament.

If the exempt staff member wants to transfer in previous service, he or she must obtain approval in writing from the minister at the time of hiring. The exempt staff member then sends one copy of this approval to the department's pay office and another copy to Parliament.

Upon termination of employment, an exempt staff member's severance pay for service as a member of Parliament's staff member will be one week's pay per completed year of service (based on the salary at termination of employment as an exempt staff member) as long as the exempt staff member, with the combined service of the previous employer and service with the minister, has fulfilled the requirements of the previous employer to receive severance pay. The maximum carry over for severance pay related to the previous service transferred in from a member of Parliament's office is 12 weeks.

Note:

For those exempt staff members in their 30-day period, starting November 4, 1993, and who transferred in to a minister's office from an MP's office (as defined in the PSSA) immediately prior to April 1, 1987 (i.e. without a break in service of more than three months) and who did not receive severance pay for their service from the previous employer, departments are advised that, for severance purposes, this previous service as a member of an MP's staff is deemed to have been transferred in with the employee. Severance for this previous service will be calculated at one week's pay per completed year of service as an MP's staff member (maximum of 12 weeks' severance pay), at the final salary at termination of employment as an exempt staff member. The regular severance pay provisions for their service as exempt staff members will also apply.

3.7.2 Separation pay

Separation pay may be paid at the discretion of the minister when the employee's services are ended. This pay is intended to compensate for possible loss of earnings resulting from an often unpredictable and, at times, abrupt termination of employment. Separation pay is paid as a lump-sum when the exempt staff member ceases to be an exempt staff.

A minister, at his or her discretion, may authorize separation pay taking into account seniority, length of service or other relevant considerations. Examples of situations where this may occur include:

- the minister dismisses a member of the exempt staff without notice;
- the minister ceases to be a minister;
- the minister changes portfolios or responsibilities and does not retain the employee's services;
- when the minister agrees that the employee can no longer remain employed by the minister for reasons out of the employee's control, such as family-related reasons, or illness.

Examples of situations where separation pay should not ordinarily be provided:

- to an employee who voluntarily terminates his or her employment and who is commencing alternative employment immediately. For greater certainty a negotiated resignation is not considered voluntary;
- to an employee dismissed for cause.

A minister must approve separation pay prior to ceasing to be a minister or prior to changing portfolios or responsibilities. Separation pay may be authorized by the Prime Minister's Office when the minister has already left the portfolio.

Separation payments are to be funded through departmental operating budgets and not charged to the minister's exempt staff budget or other operating budget.

3.7.2.1 Amount payable

To compensate for possible loss of earnings, ministers may, at their discretion, authorize a maximum of up to four months' separation pay for a period of service of less than four years and up to six months separation pay for a period of four years or more. While a minister may authorize separation pay up to the maximum set out above, separation pay of one month per year of service is considered reasonable.

3.7.2.2 Reimbursement

Separation pay is not paid when a member of the exempt staff has been granted leave without pay from the Public Service to work in the minister's office. In this case, the person remains an employee in the department that granted the leave without pay, and any subsequent termination benefit would be the responsibility of that department.

If a person who has received separation pay works in or for another minister's office or any federal institution during the period covered by his or her separation pay, whether compensated directly as an employee or contractor, or indirectly, as an employee or subcontractor of a contractor, the separation pay is to be refunded proportionately. This provision averts a duplication of payments out of government funds (i.e. the Consolidated Revenue Fund). Refer to Government of Canada Estimates and appropriations documents to determine organizations funded through the Consolidated Revenue Fund.

3.7.3 Entitlements when a minister ceases to be a minister

When a minister ceases to be a minister, or changes portfolio and does not take a member of the exempt staff to the new portfolio, affected employees continue to draw salary for 30 calendar days, in accordance with section 128 of the Public Service Employment Act (PSEA). Where a minister authorizes separation pay, the payment begins at the end of this 30-day period. When ministers cease to hold office due to a Cabinet shuffle or a general election, members of their exempt staff who are not rehired by a minister or in the Public Service are to be deemed to have been laid off at the end of the 30-day period for the purposes of the Public Service Health Care Plan and the Public Service Dental Plan.

A member of the exempt staff shall be paid according to the following formula for vacation leave that is earned but unused:

(days of unused vacation) multiplied by (daily pay rate on the day service ends)

Management leave (section 3.5.5) may not be counted as earned vacation leave.

3.7.4 Mobility provision for former ministers' exempt staff

Under Section 35.2 of the Public Service Employment Act, former ministers' exempt staff who have been employed for at least three successive years as exempt staff in a minister's office, in the office of the Leader of the Opposition in the Senate, or in the office of the Leader of the Opposition in the House of Commons, may be eligible to participate in internal advertised appointment processes open to all employees of the Public Service.

This mobility provision is effective for a period of one year after the person ceases to be employed as ministers' exempt staff. As a participant in internal advertised appointment processes, former ministers' exempt staff also have the right to make a complaint to the Public Service Staffing Tribunal.

The Public Service Commission (PSC) has retained the authority to determine eligibility for the mobility provision. Applicants will need to complete the Request Form – Confirmation of Former Ministers' Staff Mobility Provision available on the PSC website. The PSC will review the request and advise, in writing, regarding eligibility. Further information is available from internal departmental Human Resources or the PSC website.

3.7.5 Employment assistance: outplacement services

A minister may, prior to ceasing to be a minister or changing portfolios or responsibilities, authorize up to \$5,000 to cover fees for professional outplacement services for a member of his or her exempt staff whose employment has ended. An exempt staff member whose employment has been terminated should register with an outplacement firm within 30 days of the termination date or in the 30 days after a minister ceases to be a minister. This should be done within these time frames, even if services may be rendered at a later date. However, in all cases, services must be rendered within one year of the termination date.

Outplacement services usually provide such information as how to prepare a résumé, how to prepare for an interview, and how to present oneself at an interview. Costs for training or skills improvement, such as computer literacy or language courses, are not included.

Typically, the outplacement firm enters into a signed agreement with the member of the exempt staff that stipulates what services will be rendered. Invoices are to be sent to the departmental financial services unit. The cost of outplacement services is charged to the minister's other operating costs budget.

3.8 Student exempt staff

Ministers have a separate exempt staff budget for hiring students, normally during the summer months. Students are not hired through the Public Service student employment programs, however, these program rates are useful as a guide to remuneration and are available on Treasury Board Secretariat's website: Terms and Conditions of Employment for Students.

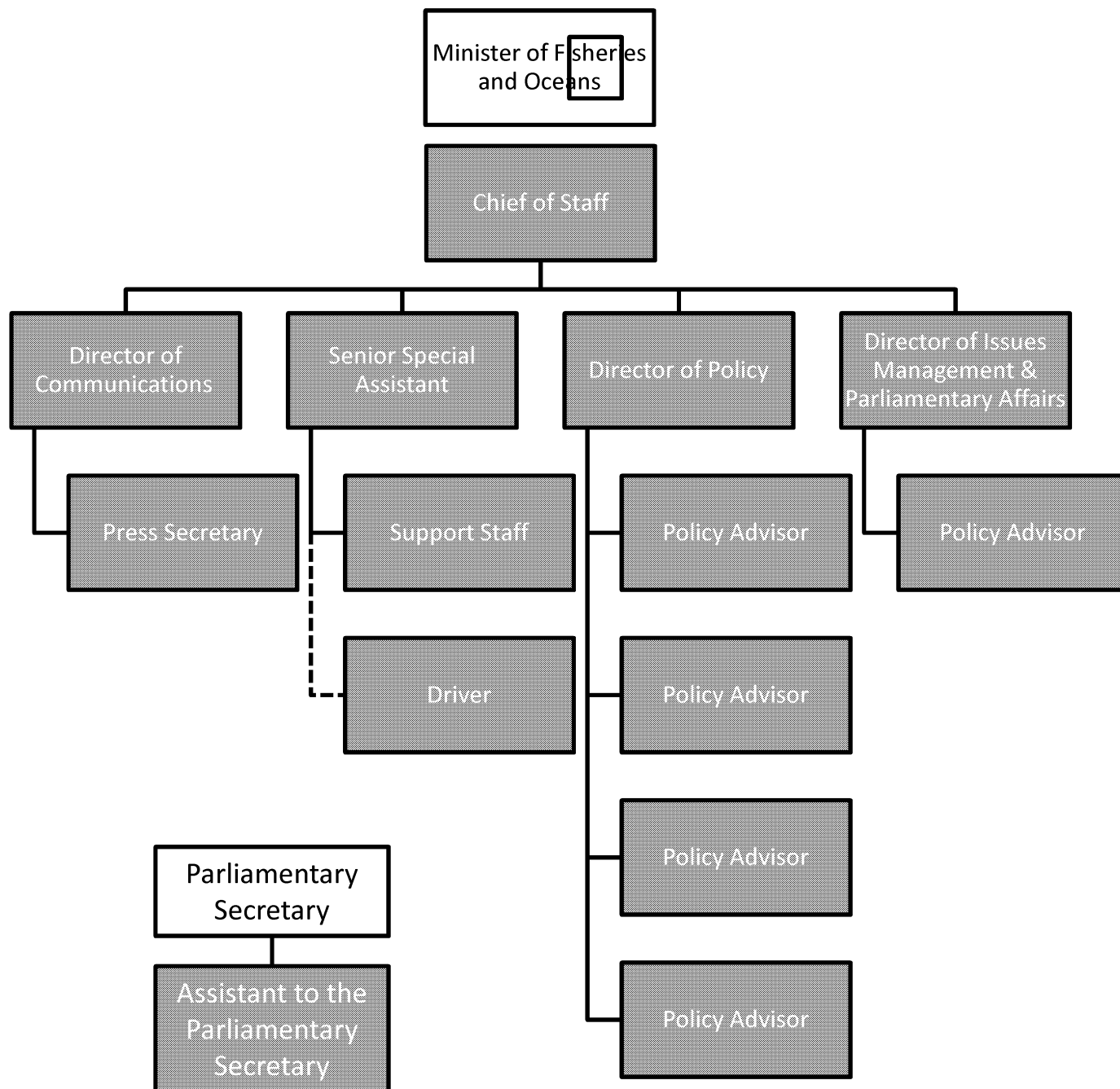
Student exempt staff is, in general, subject to some of the same terms and conditions of employment as exempt staff. However, for the purposes of leave, designated holidays, lay-off, and part-time assignments, the Public Service Terms and Conditions of Employment for Students will apply to student exempt staff. Student exempt staff is not eligible for severance pay, separation pay, acting pay or leave with pay, other than bereavement leave, nor outplacement assistance.

3.9 Changes in portfolio

When a minister changes portfolio or when a new minister is appointed to an existing portfolio, any exception(s) to these policies for ministers' offices with respect to the exempt or departmental staff complement (eg. additional or new positions, salary rates) approved by the Treasury Board for that portfolio expire. Exceptions for ministers changing portfolios will require re-approval by the Treasury

Board. Should any exception(s) at the time of the portfolio change be approved, the appropriate minister(s) will be informed by written communication.

POSSIBLE OFFICE STRUCTURE FOR THE OFFICE OF THE MINISTER OF FISHERIES AND OCEANS



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Note to Human Resources/Minister Support Staff:

Salary for exempt staff members are equivalent to the current maximum of the Public Service groups and levels as defined in the Exempt Staff Position Structure found in Appendix A of the *Policies for Ministers' Offices* (Policies). The number of employees directly reporting to the exempt staff should be taken into account when establishing the salary.

As a general rule, the maximum salary range is reserved for exempt staff with relevant professional qualifications, such as ten or more years of relevant prior employment experience, or extraordinary skills and qualifications.

The first salary increase establishes the anniversary date for subsequent annual increases. A change in function or position title does not justify a salary increase. A minister can grant a salary increase for a promotion to a higher group and level of responsibility as defined in the Exempt Staff Position Structure found in Appendix A of the Policies.

Letter of offer template

PROTECTED B

(To be personalized as required)

(Date)

(Name)

(Address)

Dear (Mr. / Mrs. / Ms.):

(Choose one of the options a- f)

Option a) Unspecified period – full time

As Minister of (Insert Minister's title), pursuant to section 128 of the *Public Service Employment Act* and in accordance with the Treasury Board *Policies for Ministers' Offices*, I am pleased to offer you employment as (Insert title as per Appendix A of the *Policies for Ministers' Offices*) reporting to (Insert title), effective (Insert date). Please be aware that your services may be required for a shorter period depending on operational requirements. Your annual salary will be \$(insert salary).

Option b) Unspecified period – part-time

As Minister of (Insert Minister's title), pursuant to section 128 of the *Public Service Employment Act* and in accordance with the Treasury Board *Policies for Ministers' Offices*, I am pleased to offer you part-time employment as (Insert title as per Appendix A of the *Policies for Ministers' Offices*) reporting to (Insert title), effective (Insert date). You will be required to work (Insert number of hours) per week (Insert schedule or days). Please be aware that your services may be required for a shorter period depending on operational

requirements. Your salary will be pro-rated based on a full-time annual salary of \$(insert salary).

Option c) Specified period – full-time (not applicable for students/interns)

As Minister of (Insert Minister's title), pursuant to section 128 of the *Public Service Employment Act* and in accordance with the Treasury Board *Policies for Ministers' Offices*, I am pleased to offer you employment as (Insert title as per Appendix A of the *Policies for Ministers' Offices*) reporting to (Insert title), from (Insert start date) to (Insert end date). Please be aware that your services may be required for a shorter period depending on operational requirements. Your annual salary will be \$(insert salary).

Option d) Specified period – part-time (not applicable for students)

As Minister of (Insert Minister's title), pursuant to section 128 of the *Public Service Employment Act* and in accordance with the Treasury Board *Policies for Minister's Offices*, I am pleased to offer you part-time employment as (Insert title as per Appendix A of the *Policies for Ministers' Offices*) reporting to (Insert title), from (Insert start date) to (Insert end date). You will be required to work (Insert number of hours) per week (Insert schedule or days). Please be aware that your services may be required for a shorter period depending on operational requirements. Your salary will be pro-rated based on a full-time annual salary of \$(insert salary).

Option e) Acting Assignment

As Minister of (Insert Minister's title), pursuant to section 128 of the *Public Service Employment Act* and in accordance with the Treasury Board *Policies for Minister's Offices*, I am pleased to offer you acting pay while you are temporarily performing the duties of (Insert title as per Appendix A of the *Policies for Ministers' Offices*), reporting to (Insert title), from (Insert date) to (Insert end date). Please be aware that your services may be required for a shorter period depending on operational requirements. Your annual salary will be adjusted during this period to \$(Insert salary).

Option f) Student employment

As Minister of (Insert Minister's title), pursuant to section 128 of the *Public Service Employment Act* and in accordance with the Treasury Board *Policies for Ministers' Offices*, I am pleased to offer you employment as a student, reporting to (Insert title), from (Insert start date) to (Insert end date). You will be required to work (Insert number of hours) per week (Insert schedule or days). Please be aware that your services may be required for a shorter period depending on operational requirements. Your salary will be \$(Insert hourly rate) per hour.

Option for prior years' service, if previous service as an exempt staff – Sick Leave

(I do or I do not – choose one) authorize you to transfer in (Insert number) hours of your sick leave credits as per subsection 3.2.2 of the *Policies for Ministers' Offices*, which you have earned as a result of prior service as an exempt staff.

Option for prior years' service, if previous service as an exempt staff – Vacation Leave

(I do or I do not – choose one) authorize you to transfer in (Insert number) hours of your vacation leave as per subsection 3.2.2 of the *Policies for Ministers' Offices*, which you have earned as a result of prior service as an exempt staff.

Option for prior years' service, if previous service as an exempt staff – Severance pay

(I do or I do not – choose one) agree to transfer in (Insert number) year(s) of prior service as an exempt staff for the purpose of determining severance pay as per subsection 3.7.1 of the *Policies for Ministers' Offices*.

Option for relocation assistance (only applicable to EX-02 salary equivalent and above)

You will be provided with relocation assistance, which will be determined in accordance with subsection 8.2 of the *Policies for Ministers' Offices*, up to a maximum of amount of \$(Insert amount). Relocation assistance is provided by a third-party service provider and is coordinated through the departmental national coordinator. To ensure that your moving expenses are eligible for reimbursement, before making any arrangements for your move, please contact (Insert name of the departmental national co-ordinator) at (Insert telephone number or email address), who will provide you with further information. In the case of early voluntary termination of employment, the relocation expenses would be recovered on a pro-rated basis.

Your employment is subject to the terms and conditions outlined in the Terms and Conditions of Employment as attached to this letter and as amended periodically. It is also subject to the *Policies for Ministers' Offices, Open and Accountable Government, 2015*, and other applicable Government of Canada policies. Failure to respect any of the terms and conditions may result in termination of your employment.

For information with regards to your pay and benefits, please contact (Insert name and contact information). Any other employment-related inquiries may be directed to (Insert name and contact information).

I would like to take this opportunity to welcome you to my office. I wish you success in your new position. (To be removed if letter is for acting or extending a term)

Yours sincerely,

(Name)

Department of Fisheries and Oceans

____ I accept this offer and the attached Terms and Conditions of Employment. I have read and agree to comply with the applicable provisions of *Open and Accountable Government*.

____ I decline this offer.

Name

Date

Attachment: Terms and Conditions of Employment

c.c.: Prime Minister's Chief of Staff

Yannick Dallaire, Director, Talent Acquisition and Onboarding (NCR)

Sonia Maisonneuve, Team Lead, Departmental Compensation

Liaison Officer

Terms and Conditions of Employment

(Exempt Staff Other than Students)

The following terms and conditions, and any periodic amendments, will apply for the duration of your employment with the minister's office. As well, terms and conditions found in the *Policies for Ministers' Offices* and other Government of Canada policies, and any periodic amendments, also apply. A copy of the *Policies for Ministers' Offices* is available online at <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html>.

Tenure

Your employment as an exempt staff member is at the minister's pleasure such as, your employment can be terminated without notice and with no compensation except for what is provided in the *Policies for Ministers' Offices*. Notwithstanding the foregoing, in accordance with subsection 128(2) of the *Public Service Employment Act* your employment will cease 30 days after the minister ceases to hold office or changes portfolio. A copy of the *Public Service Employment Act* is available online at <https://laws-lois.justice.gc.ca/eng/acts/p-33.01/>.

Conflict of Interest and Post-employment Restrictions

Your employment is subject to the requirements of the *Conflict of Interest Act* (Act), including the post-employment restrictions imposed by that Act. The Office of the Conflict of Interest and Ethics Commissioner will be informed when your employment commences and again when it ceases. The Office of the Conflict of Interest and Ethics Commissioner is responsible to review annually, with each reporting public office holder the information contained in his or her confidential reports and the measures taken to satisfy his or her obligations under this Act. A copy of the *Conflict of Interest Act* is available online at <https://laws-lois.justice.gc.ca/eng/acts/c-36.65/>.

Lobbying Act

As a designated public office holder under the *Lobbying Act*, you are also subject to that Act's post-employment restrictions on lobbying, which are administered by the Commissioner of Lobbying. A copy of the *Lobbying Act* is available online at <https://laws-lois.justice.gc.ca/eng/acts/l-12.4/>.

Conduct

As a term and condition of your appointment, you must also comply with the *Ethical and Political Activity Guidelines for Public Office Holders* contained in Annex A of *Open and Accountable Government*. As stated in these guidelines, you are expected to act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity and impartiality of government are maintained and enhanced. You have an obligation to perform your official duties and arrange your private affairs in a manner that will bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law. A copy of *Open and*

Accountable Government is available online at <http://pm.gc.ca/eng/news/2015/11/27/open-and-accountable-government>.

Exempt staff members have a duty to hold in confidence information that comes into their possession in the course of their duties. Your employment in the minister's office requires full and absolute discretion.

Security

Your employment requires a (Secret or Top Secret) security clearance, which you currently possess. Please note that maintaining this level of security clearance is a condition of your employment. You must also comply with other security requirements for the safeguarding of government information and assets. Additional information about these requirements can be found in section 2 of the *Policies for Ministers' Offices*.

Hours of Work and Overtime

The scheduled work week is usually 37.5 hours from Monday to Friday. The scheduled work day is usually 7.5 hours. As an exempt staff member you are not eligible for overtime pay. You may be eligible for management leave, at the Minister's discretion. Please consult subsection 3.5.5 of the *Policies for Ministers' Offices* for additional information about management leave. Part-time exempt staff work the hours per week as established in their letter of offer and are not eligible for overtime.

Direct Deposit

The method of payment for exempt staff members will be direct deposit to a Canadian financial institution of your choice. By accepting this offer of employment, you agree to provide the information required to establish direct deposit.

Salary Increases

Salary increases are conditional on fully satisfactory performance. Your first salary increase will determine the anniversary for subsequent increases, which may be awarded annually at the minister's discretion. Exempt staff members are not entitled to performance pay or bonuses. Please consult subsection 3.3.2 of the *Policies for Ministers' Offices* for additional information about salary increases.

Employee Benefits

Exempt staff members participate in the following compulsory benefit plans as per subsection 3.4.1 of the *Policies for Ministers' Offices*, some of which have eligibility requirements:

- Employment Insurance plan
- Provincial health insurance plan
- Canada or Quebec pension plans

- Public Service Superannuation Plan
- Supplementary Death Benefit (Part II of the *Public Service Superannuation Act*)
- Long-Term Disability Insurance (part of the Public Service Management Insurance Plan)
- Public Service Dental Care Plan

You will have access to basic coverage under the Public Service Health Care Plan and the Public Service Management Insurance Plan. You may be eligible for additional coverage, at your own expense. Additional details will be provided by a human resources advisor after you begin work.

Vacation

You will be entitled to vacation leave, which is determined based on your years of employment as exempt staff and/or in the public service. Your vacation leave entitlement will be calculated in accordance with subsection 3.5.1 of the *Policies for Ministers' Offices*. Vacation leave must be pre-approved and recorded.

Designated Paid Holidays

There are 11 designated paid holidays per year. For details about these holidays, please consult subsection 3.5.3 of the *Policies for Ministers' Offices*.

Sick Leave With Pay

Exempt staff earn sick leave credits at the rate of 9.375 hours for each calendar month for which an individual receives pay for at least 75 hours. Sick leave must be approved and recorded. The minister or the minister's Chief of Staff may request a medical certificate as evidence that you are unable to perform your duties due to illness or injury.

Election Leave

Exempt staff are subject to the provisions of subsection 3.5.4 of the *Policies for Ministers' Offices* with regard to election leave. Please consult this subsection carefully, which sets out requirements for seeking leave or cessation of employment in the event that you decide to become actively involved on a full-time basis in an election campaign.

Parking

If you choose to drive a vehicle to work, you are responsible for the cost of parking.

Smoking/Vaping

In accordance with subsection 4(2) of the *Non-smokers' Health Act*, we are obligated to inform you that smoking/vaping is prohibited in the workplace. Your direct supervisor will inform you of the location of designated smoking areas.

Proactive Publication

Exempt staff are required to proactively publish expenses, as per the *Access to Information Act*, which includes hospitality and travel related to government business.

Cessation of Employment

If the minister ceases to be a minister or changes portfolio, in accordance with subsection 128(2) of the *Public Service Employment Act* your employment will cease 30 calendar days after the minister ceases to hold office or changes portfolio, unless you receive a new offer of employment as an exempt staff member. If not re-appointed, all benefits cease in accordance with subsection 3.7 of the *Policies for Ministers' Offices*.

Severance Pay

You will be eligible to receive severance pay if your employment ceases when the minister ceases to be a minister or changes portfolio, you are dismissed, you are laid off, you resign or, you die. Severance pay will be calculated based on your years of service in accordance with subsection 3.7.1 of the *Policies for Ministers' Offices*. For purposes of calculating severance pay, service earned through prior employment in another minister's or Member of Parliament's office may only be a) transferred upon joining a minister's office if explicitly provided for in the letter of offer and b) included if you have not already received severance pay for that service.

Separation Pay

In accordance with subsection 3.7.2 of the *Policies for Ministers' Offices*, at the minister's discretion, you may be eligible to receive separation pay when your employment ceases. Only service with the current minister will be taken into consideration when calculating separation pay.

Essential Resources

You should familiarize yourself with *Open and Accountable Government* and with the *Policies for Ministers' Offices*, which may be amended periodically. These documents provide essential information that applies to the employment and activities of ministers' exempt staff.

Terms and Conditions of Employment (Student Exempt Staff)

The following terms and conditions, and as amended periodically, will apply for the duration of your employment with the minister's office. As well, terms and conditions found in the *Policies for Ministers' Offices* and other Government of Canada policies and as amended periodically also apply. A copy of the *Policies for Ministers' Offices* is available online at <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html>.

Tenure

Your employment as a student exempt staff is at the minister's pleasure meaning that your employment can be terminated without notice and no compensation. If the minister ceases to hold office or changes portfolio, your employment will cease immediately.

Conflict of Interest and Post-Employment Restrictions

Your employment is subject to the requirements of the *Conflict of Interest Act*, including the post-employment restrictions imposed by that Act. The Office of the Conflict of Interest and Ethics Commissioner will be informed when your employment commences and again when it ceases. The Office of the Conflict of Interest and Ethics Commissioner is responsible to review annually, with each reporting public office holder, the information contained in his or her confidential reports and the measures taken to satisfy his or her obligations under this Act. You will also be subject to post-employment restrictions contained in the *Lobbying Act*, which is administered by the Commissioner of Lobbying.

Conduct

As a term and condition of your appointment, you must also comply with the Ethical and Political Activity Guidelines for Public Office Holders contained in Annex A of *Open and Accountable Government*. As stated in these guidelines, you are expected to act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity and impartiality of government are maintained and enhanced. You have an obligation to perform your official duties and arrange your private affairs in a manner that will bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law. A copy of *Open and Accountable Government* is available online at <http://pm.gc.ca/eng/news/2015/11/27/open-and-accountable-government>.

Student exempt staff have a duty to hold in confidence information that comes into their possession in the course of their duties. Your employment in the minister's office requires full and absolute discretion.

Security

Your employment requires a (Secret or Top Secret) security clearance, which you currently possess. Please note that maintaining this level of security clearance is a condition of your employment. You must also comply with other security requirements for the safeguarding of government information and assets. Additional information about these requirements can be found in Part 2 of the *Policies for Ministers' Offices*.

Hours of Work and Overtime

The scheduled work week is usually 37.5 hours from Monday to Friday. The scheduled work day is usually 7.5 hours. However, as a student exempt staff, your work schedule will take into account your academic schedule, as such your work schedule and the number of hours of work per week will be stated in your letter of offer. Also student exempt staff are not eligible for overtime pay.

Direct Deposit

The method of payment for student exempt staff members will be direct deposit to a Canadian financial institution of their choice. By accepting this offer of employment, you agree to provide the information required to establish direct deposit.

Leave

For the purposes of leave, designated holidays, lay-off, and part-time assignments, student exempt staff are subject to the Public Service Terms and Conditions of Employment for Students. As per the *Policies for Ministers' Offices*, student exempt staff are not eligible for severance pay, separation pay, acting pay, or leave with pay (other than bereavement leave), nor outplacement assistance.

Designated Paid Holidays

There are 11 designated paid holidays per year. For details about these holidays, please consult subsection 3.5.3 of the *Policies for Ministers' Offices*.

Parking

If you choose to drive a vehicle to work, you are responsible for the cost of parking.

Smoking/Vaping

In accordance with subsection 4(2) of the *Non-smokers' Health Act*, we are obligated to inform you that smoking/vaping is prohibited in the workplace. Your direct supervisor will inform you of the location of designated smoking areas.

Proactive Publication

Exempt staff are required to proactively publish expenses, as per the *Access to Information Act*, which includes hospitality and travel related to government business.

Essential resources

You should familiarize yourself with *Open and Accountable Government* and with the *Policies for Ministers' Offices*, which may be amended periodically. These documents provide essential information that applies to the employment and activities of ministers' exempt staff.

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Note to Human Resources/Minister's Support Staff:

Termination letters should be distributed as soon as possible in each termination situation. If information is unknown (i.e.: continued employment with another minister), then conditional language (could, would, should) should be used in this letter, as appropriate.

In the event of a Cabinet shuffle or a change in Government, the 30 calendar day period begins the day after the minister ceases to be a minister. (i.e.: A Cabinet shuffle occurs on October 1, day 1 is October 2, and the 30th day, termination date, would be October 31.)

Letter of termination or cessation of employment template

PROTECTED B

(To be personalized as required)

(Insert name)

(Insert address)

Dear (Insert name),

Please accept my thanks for your service to Canada. I must inform you that your position within my office will cease effective (Insert date – in the event of a change in government or cabinet shuffle, this is day 30) close of business. The following outlines your termination benefits and your obligations upon leaving office.

Compensation on Termination

Severance Pay

Subsection 128(2) of the *Public Service Employment Act* provides that exempt staff continue to be employed for 30 calendar days after a minister or minister of state leaves office and, unless they resign, they are paid their regular salaries during that 30-day period. Exempt staff are also entitled to severance pay calculated based on years of service in accordance with subsection 3.7.1 of the *Policies for Ministers' Offices*. Your severance pay will be calculated based on your current position as (Insert title as per Appendix A of the *Policies for Ministers' Offices*) at your salary of \$(Insert salary) per year. Calculations are pro-rated in respect of part of a year's service.

Separation Pay (Enter only if authorized, as this allowance should not normally be paid upon resignation)

In recognition of your years of service to the Government of Canada, and in accordance with subsection 3.7.2 of the *Policies for Ministers' Offices*, I am authorizing a payment of (Insert the number of months) months' separation pay. Please note that in accordance with subsection 3.7.2.2 of the *Policies for Ministers' Offices*, should you work for another minister's office or any federal institution during the period covered by your separation pay, whether compensated directly as employee or contractor, or indirectly, as an employee or subcontractor of a contractor, the separation pay is to be refunded proportionately.

Vacation Pay (not applicable to students exempt staff)

Any earned and unused vacation leave will be paid out as per subsection 3.7.3 of the *Policies for Ministers' Offices*. The amount for this benefit will be calculated based on your current salary of \$(Insert salary) per year.

Payment of these benefits will be issued after your termination date as noted above. If you have any questions, please contact (insert name and contact info).

Option a) If pay services are provided by the Pay Centre

You will receive a separate letter from the Public Service Pay Centre that will provide further details on your individual pay, leave and benefits upon termination. Additional information on compensation entitlements can be found in the *Policies for Ministers' Offices* at <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html>.

Option b) If pay services are provided by the department

For information with regard to your pay and benefits, and leave upon termination, please contact (Insert name and contact information). Additional information on compensation entitlements can be found in the *Policies for Ministers' Offices* at <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html>.

Sick Leave

Upon cessation of employment, any earned and unused sick leave credits will be restored upon reappointment as an exempt staff member within two years from the date employment ceased.

Professional Outplacement Support (Delete this subsection if outplacement services are not offered)

As per subsection 3.7.5 of the *Policies for Ministers' Offices*, I am pleased to authorize up to \$(Insert amount not to exceed \$5,000) to cover fees for professional outplacement services, should you wish to retain such services. Outplacement services provide assistance in transitioning to new jobs or help re-orient job-seekers in the labour market. Costs for training or skills improvement, such as computer literacy or language courses are not included. In order to receive this assistance, you must register with an outplacement firm within 30 days of your termination date even if services would be rendered at a later date. However, in all cases, services must be rendered within one year of your termination date.

Eligibility to Participate in Public Service Internal Advertised processes

If you have been employed for at least three (3) continuous years in the office of a minister or minister of state, as per subsection 3.7.5 of the *Policies for Ministers' Office*, you may be eligible to participate in internal advertised processes open to all employees of the public service. The Public Service Commission has retained the authority to confirm eligibility and

would provide its determination in writing. The eligibility for mobility would be for a period of one year from your date of termination.

Additional information regarding eligibility for mobility can be found at the following link:
<https://www.canada.ca/en/public-service-commission/services/political-activities/mobility-provisions/mobility-provision-former-ministers-staff.html>.

Conflict of Interest and Post-Employment Obligations

Exempt staff must comply with the *Conflict of Interest Act*, particularly with respect to the conflict of interest and post-employment requirements. In this regard, the Office of the Conflict of Interest and Ethics Commissioner will be informed that your employment as a member of my exempt staff will cease. You will also be subject to post-employment restrictions contained in the *Lobbying Act*, which is administered by the Commissioner of Lobbying.

Exempt staff are included within the definition of designated public office holders (DPOHs) under the *Lobbying Act* and are subject to a five (5) year post-employment prohibition on lobbying. Additional information on the definition of DPOH and the responsibilities of former DPOHs under the *Lobbying Act* is available from the Office of the Commissioner of Lobbying of Canada.

Again, thank you for your (dedicated and exemplary) service to Canada.

Yours sincerely,

(Name)

(Title of the Minister or signing authority)

c.c.: Prime Minister's Chief of Staff

(Insert name), (Human Resources Advisor) and / or (Departmental Compensation Liaison Officer)

Letter of acceptance of resignation template

PROTECTED B

(To be personalized as required)

(Insert name)

(Insert address)

Dear (Insert name),

Thank you for your letter of (Insert date) in which you indicated your intention to resign as a member of my exempt staff. As agreed, your resignation will take effect on (Insert date) at close of business. I would like to thank you for your hard work and dedication in serving Canadians.

I would like to remind you of your obligations under the *Conflict of Interest Act*, particularly with respect to the conflict of interest and post-employment requirements. In this regard, the Office of the Conflict of Interest and Ethics Commissioner will be informed that your employment as a member of my exempt staff will cease. You will also be subject to post-employment restrictions contained in the *Lobbying Act*, which is administered by the Commissioner of Lobbying.

You are entitled to severance pay calculated based on years of service in accordance with subsection 3.7.1 of the *Policies for Ministers' Offices*. Your severance pay will be calculated based on your current position as (Insert title as per Appendix A of the *Policies for Ministers' Offices*) at your salary of \$(Insert salary) per year. Calculations are pro-rated in respect of part of a year's service.

You are also entitled to receive payment for vacation leave that has been earned and unused. As per subsection 3.7.3 of the *Policies for Ministers' Offices*, the calculation will be based on your current salary.

Upon cessation of employment, any earned and unused sick leave credits will be restored upon reappointment as an exempt staff member within two years from the date employment ceased.

Payment of these benefits will be issued after your resignation date as noted above. If you have any questions, please contact (insert name and contact info).

Eligibility to Participate in Public Service Internal Advertised processes

If you have been employed for at least three (3) continuous years in the office of a minister or minister of state, as per subsection 3.7.5 of the *Policies for Ministers' Office*, you may be eligible to participate in internal advertised processes open to all employees of the public service. The Public Service Commission has retained the authority to confirm eligibility and would provide its determination in writing. The eligibility for mobility would be for a period of one year from your date of termination.

Additional information regarding eligibility for mobility can be found at the following link: <https://www.canada.ca/en/public-service-commission/services/political-activities/mobility-provisions/mobility-provision-former-ministers-staff.html>.

Option a) If pay services are provided by the Pay Centre

You will receive a separate letter from the Public Service Pay Centre that will provide further details on your individual pay, leave and benefits upon termination. Additional information on compensation entitlements can be found in the *Policies for Ministers' Offices* at <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html>.

Option b) If pay services are provided by the department

For information with regard to your pay and benefits, and leave upon termination, please contact (Insert name and contact information). Additional information on compensation entitlements can be found in the *Policies for Ministers' Offices* at <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html>.

I would like to take this opportunity to express my appreciation for your service to Canadians. Please accept my best wishes for your future endeavours.

Yours sincerely,

(Name)

(Title of the Minister or signing authority)

c.c.: Prime Minister's Chief of Staff

(Insert name), (Human Resources Advisor) and / or (Departmental Compensation Liaison Officer)

Remove this text box before using:

Note to Human Resources/Minister Support Staff:

The first salary increase can be awarded at any time after initial appointment – based on fully satisfactory performance. The first increase establishes the anniversary date for future increases in that position, and further annual increases can only be granted on the anniversary date. This also applies in situations where there is a change in minister.

When an exempt staff is hired/rehired in the same position at the same level, even in a different portfolio or with more responsibilities, no salary increase is permitted. The minister may grant a salary increase for a promotion to a higher group and level as defined in the Exempt Staff Position Structure found in Appendix A of the *Policies for Ministers' Offices*. Otherwise, a change in minister does not provide sufficient justification for salary increases.

Letter for salary increase template

PROTECTED B

(To be personalized as required)

(Date)

(Name)

(Address)

Dear (Insert name):

As Minister of (Insert Minister's title), I am pleased to inform you that I have authorized an increase in your salary in your current position as (Insert position title as per Appendix A of the *Policies for Ministers' Offices*). Effective (Insert date) your salary will be \$(Insert new salary) per year. This position continues to report to the (Insert title) and, notwithstanding the foregoing, your appointment may be for a shorter period of time depending on operational requirements.

Your employment continues to be subject to the terms and conditions outlined in the Terms and Conditions of Employment attached to your original letter of employment, and any periodic amendments. It is also subject to the *Policies for Ministers' Offices* and other applicable Government of Canada policies. Failure to respect any of the terms and conditions may result in termination of your employment. A copy of the *Policies for Ministers' Offices* is available online at <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html>.

For information with regard to your pay and benefits, please contact (Insert name and contact information). Any other employment-related inquiries may be directed to (Insert name and contact information).

I would like to take this opportunity to thank you for your hard work and dedication in serving Canadians.

Yours sincerely,

(Name of Minister)
(Minister's Title)

c.c.: Prime Minister's Chief of Staff
(Insert name), (Human Resources Advisor) and / or (Departmental Compensation Liaison
Officer)

MINISTER'S OFFICE BUDGET

Shortly following your appointment, you will receive a letter from the Treasury Board outlining the allocations for your Ministerial budget, which will be divided into five parts:

1. Ministerial exempt staff salary budget;
2. Ministerial operating budget, which covers all operating expenditures related to the conduct of the portfolio or other official government departmental business;
3. Students salary;
4. Minister's salary and motorcar allowance (controlled separately); and,
5. Minister's regional exempt staff and operating budgets if the Minister is designated a Regional Minister (controlled separately).

Please note, this is in addition to, and separate from, entitlements that you have as a Member of Parliament.

Within this overall limit communicated by the Treasury Board regarding ministerial budget, funds can also be transferred among the exempt staff budget, and the operating budget.

A Minister's budget is subject to the same provisions of the *Financial Administration Act* that apply to all departmental funds and to associated Treasury Board policies, and Ministers are individually responsible and accountable for expenditures made for their offices. A Minister's budget may also only be used for portfolio and other official government business and is to be spent with high standards of prudence and probity.

You may choose to delegate, pursuant to the *Financial Administration Act*, financial authorities for expenditures to your Chief of Staff or other exempt staff (with the exception of hiring, determination of salaries and salary increases, or termination of exempt staff).

Publication on departmental websites is mandatory for travel and hospitality expenses for Minister's, Parliamentary Secretaries and all exempt staff. The Department will assist in the development of attestations for each of your staff, which will be provided to your office for approval, on a monthly basis, prior to publication. Additionally, contracts entered into by the Government of Canada for amounts over \$10,000 (with only limited exceptions, such as national security) are also published on the federal government's website.

The Chief Financial Officer will also provide you (or your delegated authority) with regular financial reports on the status of your budget (including up-to-date expenditures and forecasts based on trends), and will assist your office in responding to the quarterly requirement from the Treasury Board Secretariat to report on Ministerial budgets.

The Department is available at your convenience to discuss any financial inquiries you may have, and will seek to brief your office as soon as your budgetary limits have been received from the Treasury Board.

TRAVEL AND HOSPITALITY

Travel expenses for Ministers, Parliamentary Secretaries and Ministers' staff incurred while on Departmental business, are eligible for reimbursement in accordance with the Policy for Ministers' Offices, and subsequently the National Joint Council Travel Directive. The following outlines the responsibilities of travelers, support staff and the Chief of Staff or Minister.

Travel

The Travel Directive can be found on the National Joint Council (NJC) website (<http://www.njc-cnm.gc.ca/directive/travel-voyage/index-eng.php>) and Annex G2 of this binder.

The intent of this directive is that those travelling on Government business are reimbursed for reasonable and legitimate expenses they incur while on travel status.

Reimbursement of travel expenses is based on either established rates and allowances or actual receipts.

The Travel Directive outlines four common travel situations referred to as travel modules:

- Module 1 – Travel within headquarters area
- Module 2 – Travel outside headquarters area – no overnight stay
- Module 3 – Travel in Canada and Continental USA – overnight stay
- Module 4 – International Travel – overnight stay

Roles and Responsibilities

Minister (or Chief of Staff) is responsible for:

- Approval of exempt staff's Travel Authority and Advance (TAA);
 - The TAA provides the traveller with travel status insurance; commits funding for the trip and initiates reservations / trip planning.
- Approval of Blanket Travel Authority;
- Approval of travel expense claim; and
- Reviewing, monitoring and reporting on the travel-related transactions that involve charges to the Minister's Office budget.

The traveller is responsible for:

- Providing dates, modes of travel, purpose of travel and estimates for the TAA;
- Choosing the most cost effective and direct travel options in accordance with the NJC Travel Directive;
- Maintaining supporting documentation, including receipts and mileage logs for expense claim;
- Submitting supporting documentation, within 10 working days after the completion of the trip, so that travel expense claims can be completed; and
- Review and approve travel expense claims for accuracy and additions/omissions.

Administrative Assistant and Office Manager are responsible for:

- Administrative Assistant will complete TAA and expense claim according to Travel Directive and information provided by traveller;
- Administrative Assistant can make reservations based on travel directive;
- Office Manager to enter into financial system once all signatures have been received within 2 business days of receiving the claim; and

- Office Manager to provide status of reimbursement.

Travel Allowances at a Glance										
Module	Accommodation	Additional Business Expenses	Bottled Water	Currency Exchange	Dependant Care	Home Communication (+ 3 days)	Incidental expense (always requires overnight stay)	Insurance	Meals*	Transportation
1 – Travel within headquarters area	n/a**	R	R	n/a	R	n/a	n/a	A	R	R
2 – Travel outside headquarters area – no overnight stay	n/a	R	R	n/a	R	n/a	n/a	A	PD R	R
3 – Travel in Canada and Continental USA – overnight stay	R	R	R	R	R	n/a	PD	A	PD R	R
4 – International Travel – overnight stay	R	R	R	R	R	R	PD	A	PD R	R

n/a = not applicable

R = reimbursed based on receipts

PD = reimbursed based on per diem

A = See Appendix A of Travel Directive

*The cost of alcoholic beverages will be removed from expense claims when receipts are used for reimbursement.

** There are exceptional circumstances where accommodation can be paid, so incidentals would also be payable in this case

Methods of Payment

Individual Designated Travel Card

Exempt staff that are expected to travel frequently are advised to apply for an Individual Designated Travel Card (IDTC). The IDTC currently being used is provided by MasterCard. The Department can assist exempt staff in obtaining this card.

The IDTC offers several important advantages for government business travel, including:

- No annual fee;
- Significantly reduces the government work effort and costs required to manage and process travel expenses;
- Free coverage against liability for collision damage on rented cars (provided the rental is paid for using the IDTC); and
- Free additional insurance coverage (e.g., flight delay, baggage loss) and emergency travel assistance services (if required).

Departmental Travel Expense Card

When travel has been booked directly with carriers or a travel agency (because of direct savings or the offer of better scheduling), claims for reimbursement can be made following each trip, or the authorised expense can be charged to the Departmental Travel Expense Card (DTEC).

The DTEC for this office is kept by the Office Manager.

Hospitality

Hospitality is defined as the provision of meals, beverages or refreshments in events that are necessary for the effective control of government business and for reason of courtesy, diplomacy or protocol.

There may be instances when a Minister requires a Parliamentary Secretary or staff member to extend hospitality on behalf of the Minister or department. Such hospitality may be necessary because it will economically facilitate the business of the department or agency or because it is considered essential as a matter of courtesy or protocol. In these instances, such hospitality shall be extended in accordance with the *Directive on Travel, Hospitality, Conference and Event Expenditures* and all the requirements for documentation shall be met. Claims for reimbursement should be approved by the Chief of Staff or Minister, as appropriate.

Separate claims should be submitted when a member of a Minister's staff claims reimbursement for his or her own hospitality expenses and for hospitality disbursements made on behalf of the Minister.

Hospitality Allowances

Food and Beverages	Standard Cost per person	Maximum Cost per Person
Breakfast	1.5 X Breakfast Allowance	1.5 X Standard Cost Per Person
Refreshment	0.5 X Breakfast Allowance	
Lunch	2.0 X Lunch Allowance	
Reception	2.0 X Breakfast Allowance	
Dinner	1.75 X Dinner Allowance	

EXAMPLE OF ALLOWANCES BASED ON **October 1, 2019** rates

Food and Beverages	Standard Cost per person	Maximum Cost per Person
Breakfast	1.5 x 20.35 = \$30.53	1.5 x 30.53= \$45.79
Refreshment	0.5 x 20.35 = \$10.18	1.5 x 10.18= \$15.26
Lunch	2.0 x 20.60 = \$41.20	1.5 x 41.20= \$61.80
Reception	2.0 x 20.35 = \$40.70	1.5 x 40.70= \$61.05
Dinner	1.75 x 50.55 = \$88.46	1.5 x 88.46= \$132.69

Alcohol

As per the financial delegated authority, the Minister has delegated the pre-approval authority for the provision of alcohol to the Deputy Minister (DM). The standard for hospitality is the provision of non-alcoholic beverages. The provision of alcoholic beverages is only permitted in special circumstances where it is a matter of courtesy, diplomacy or protocol involving non-federal government persons in government events. Alcoholic beverages will not be provided as hospitality at events involving only federal government persons.

PROACTIVE DISCLOSURE OF TRAVEL AND HOSPITALITY

DFO is required through Bill C-58, (Access to Information Act) assented on June 21, 2019 to post all travel and hospitality expenses for Ministers, Ministers of State, Ministerial advisers, Parliamentary Secretaries, and their exempt staff on Open Government site.

Under this Bill, information is collected on a monthly basis and must be published within 30 days after the end of the month in which the expenses are reimbursed as indicated below:

Month	Reporting Period in which expenses reimbursed	Publication Deadline
1	April 1 to April 30	May 30
2	May 1 to May 31	June 30
3	June 1 to June 30	July 30
4	July 1 to July 31	August 30
5	August 1 to August 31	September 30
6	September 1 to September 30	October 30
7	October 1 to October 31	November 30
8	November 1 to November 30	December 30
9	December 1 to December 31	January 30
10	January 1 to January 31	March 2 (March 1 on a leap year)
11	February 1 to February 28	March 30
12	March 1 to March 31	April 30

When the above dates for posting fall on a weekend or statutory holiday, information must be published on-line by the last business day before the weekend or holiday in question.

The travel report is required to include the following information (in both official languages)

- | | |
|---|------------------------|
| • Disclosure group | • Other Transportation |
| • Title of traveler | • Accommodation |
| • Name of traveler | • Meals & Incidentals |
| • Purpose of travel | • Airfare |
| • Date(s) of travel (start and end dates) | • Other expenses |
| • Destination(s) | • Total expenses |

The hospitality report is required to include the following information (in both official languages)

- Disclosure group
- Name and title of senior officer or employee
- Type and purpose of hospitality
- Date of hospitality
- Attendees (# of government & # of other)
- Name of establishment
- Municipality where the hospitality activity took place
- Total cost

Notes:

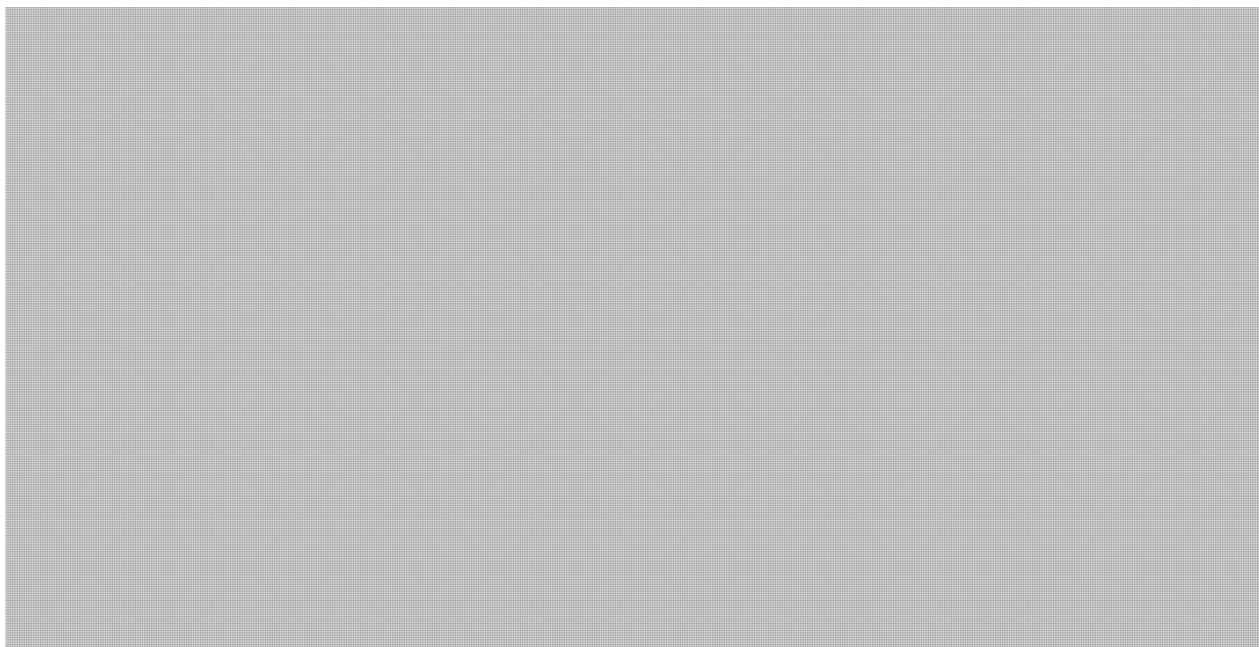
- *A hospitality event in which the Minister attends will be reported under the Minister's name, not the claimant (exempt staff within the Minister's office)*
- *Reported amounts must be in Canadian currency and include taxes*
- *Disclosure is applicable only once all of the travel expenses related to the claim have been granted certification authority section 34 of the Financial Administration Act (FAA), and payment authority section 33 of the FAA*
- *All expenses for a trip are to be published together once the travel expense claim for the trip has been approved and recorded in the department financial management system*

Travel and hospitality reports are distributed to the traveller and hospitality claimant to review, make the necessary changes, approve and sign. Each exempt staff member is required to sign one report per month (nil reports must also be signed).

The Office Manager will create the attestations using the previous month's travel and hospitality expenses, which will then be provided to your office to ensure accuracy and for signature before external publication.

s.16(2)

MINISTER'S VEHICLE



The executive vehicle currently allocated to the Minister of Fisheries and Oceans [REDACTED] [REDACTED] This vehicle was delivered in January 2019. The vehicle is fully insured commercially, with coverage for official and personal use arranged through PSPC. The official Insurance form (DSS-MAS 8476(7/03)) has to be completed by including all possible drivers and must be sent to PSPC for registration with the insurance company.

It is important to note that the use of the executive vehicle is a taxable benefit, therefore any personal use, by you or your driver, of the car should be documented (kilometers recorded) for taxation purposes.

The Department has purchased a reserved parking space in the underground garage at 200 Kent Street. The exact location of this parking space is [REDACTED]

[REDACTED] DMO and MINO vehicles We also have a pre-arranged pick up permit with the Ottawa airport. This will allow your driver quick and easy access upon arrivals and departures.

The position of your Driver is part of your exempt staff complement, whose salary is drawn from your exempt staff budget. The Department will provide you with a temporary driver until you appoint an individual to this position. Further information in this regard, and on staffing in general, may be found in *Transition Book 1: Administrative Procedures, Tab C1*.



UNCLASSIFIED

TECHNOLOGY SERVICES

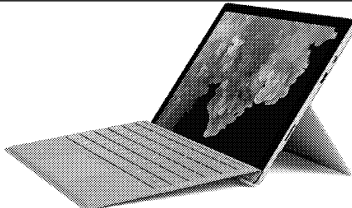
Electronic Devices

Please find below information on the Information Technology (IT) Devices available at Fisheries and Oceans Canada. A service technician will be available to set up and assist in your familiarization to these devices as necessary, once you have selected the device of your choice.


Smart phone Models:

	iPhone Max XS	Screen size 6.5 inches screen Rear camera resolution 12 MP Rear Camera Storage capacity 64 GB
	Samsung Galaxy S9	Screen size 5.8 inches screen Front camera resolution 8 MP Front Camera Rear camera resolution 12 MP Rear Camera Storage Capacity 64GB

Tablet Model:

	Microsoft Surface Pro 6	12.3" display. CPU: 8 th Gen Intel Core I5 processor RAM: 8GB Hard drive: 256 GB SSD
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Laptop Models:

	HP EliteBook 840 G5	14" display. CPU: 8th Gen Intel Core I5 processor Ram: 8GB Hard drive: 500GB
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UNCLASSIFIED

TECHNOLOGY SERVICES

Account Management

Account requests are usually submitted by the Office Manager (Sylvia Gagne). All account requests have to be submitted via the Network Access Request Form here:

<https://intra-w01.ent.dfo-mpo.ca/applications/NetAcctMgmt-GestCptReseau/>

The network account creation usually takes a few days to process, so we recommend submitting the request at least 5 business days in advance whenever possible.

UNCLASSIFIED

TECHNOLOGY SERVICES

Service Desk VIP Service

The Service Desk is dedicated to help you have the best IT Experience during your time with DFO. Thus, the Service Desk VIP Service can be reached by contacting the Office Manager or the Receptionist at the Minister's Office who will contact the VIP technician. They will create a ticket in the system and escalate the request to have someone come over to take a look at any issue you are having as soon as possible.

Information Management

Generally, there are four categories of documents in the Minister's Office:

- Cabinet Documents;
- Ministerial Records;
- Institutional Records; and
- Personal or Private Records.

Managing information at DFO: Ministers' Office

Information is organized into four categories: Cabinet Documents, Institutional Records, Personal and Political Records, and Ministerial Records
Each category of information must be managed separately.

Unclassified / Non-Classifié

Cabinet Documents	Institutional Records
<p>Can include: memoranda to cabinet (MCs), cabinet committee reports, records of decisions, presentations, agendas, and Treasury Board documents such as submissions, briefing notes (présis), and letters of decisions.</p> <p>Storage, Handling and Care:</p> <ul style="list-style-type: none">• Special precautions must be taken to guarantee the security of Cabinet documents• Return to Privy Council Office or Treasury Board when item has been discussed• Not stored in GCCMS, EKME or GCdocs <p>When Leaving Office / Changing Portfolio: All documents must go back to the Privy Council Office or Treasury Board Secretariat as appropriate.</p>	<p>Relate to the business of the department and may be created or received by the department or the Minister's Office</p> <p>Can include: Briefing notes, Departmental Performance Reports, Report on Plans and Priorities, transition binders, speeches, question period cards, material to support parliamentary committee appearances, etc.</p> <p>Storage, Handling and Care:</p> <ul style="list-style-type: none">• File and organize separately from other information in Minister's Office• Stored in GCCMS, EKME or GCdocs <p>When Leaving Office / Changing Portfolio: These documents stay with the Department, are maintained by the Ministerial Correspondence Unit at DFO and are disposed of according to Library and Archives guidelines.</p>
Personal and Political Records	Ministerial Records
<p>Minister's private property</p> <p>Can include: Documents related to business of a political party (including elections, leadership races, party organizations, caucus), information related to constituency business or work as an MP, and records relating to the private life of the Minister.</p> <p>Storage, Handling and Care:</p> <ul style="list-style-type: none">• File and organize separately from other information in Minister's Office• Not stored in GCCMS, EKME or GCdocs• Ministerial staff to identify records for future donation to Library and Archives Canada <p>When Leaving Office / Changing Portfolio: The Minister can take these records with her/him and has the option to use storage and preservation services offered by Library and Archives Canada.</p>	<p>Official information resources pertaining to the Office of the Minister, other than Cabinet, institutional, or personal and political records</p> <p>Can include: Staff annotated copies of briefing notes used as reference and administrative records pertaining solely to the Minister's Office or duties and not the institution.</p> <p>Storage, Handling and Care:</p> <ul style="list-style-type: none">• File and organize separately from other information in Minister's Office• Not stored in GCCMS, EKME or GCdocs• Library and Archives will contact Minister's Office to discuss records for transfer <p>When Leaving Office / Changing Portfolio: Can't be destroyed or disposed of without the consent of the Librarian and Archivist of Canada.</p>
<p>For questions about the handling any of the above types of information or for guidance in transferring information to Library and Archives Canada, contact Eric St-Clair – Head of Document Management (NCR), 613- 297-2606 or Susan Moigani – Director of Information Management, 613-993-1999 Library and Archives Canada Guidelines: http://www.bac-lac.gc.ca/eng/services/government-information-resources/disposition/Documents/007-1016-e.pdf TBS, Information Management in a Minister's Office http://www.tbs-sct.gc.ca/im-gi/imp-pgi/minister-ministre-eng.asp</p>	

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SECURITY CONSIDERATIONS FOR THE MINISTER'S OFFICE

Your security, as well as that of your office, is a priority for the Department of Fisheries and Oceans (DFO) and upon your arrival we will ensure that all your needs are met.

Security is a joint responsibility between the Department, the Royal Canadian Mounted Police (RCMP) and the Privy Council Office (PCO). While Ministers are responsible for the security of their staff and offices, as well as of sensitive government information and other assets in their custody, the Department provides assistance in ensuring that all security requirements are implemented for your office and safety.

Upon your arrival, you will be offered a security briefing by PCO, who briefs all newly-appointed ministers on their security responsibilities. Similarly, the Department will brief your Chief of Staff and your officials on requirements for the protection of personnel, sensitive information and other assets, including their security responsibilities with respect to Cabinet Confidences.

While the Departmental Assistant will work closely with your Chief of Staff to facilitate all human resources processes, please note that all individuals who work in or for a Minister's office, irrespective of their work location (e.g., Parliament Hill, Departmental or constituency office), require a Secret clearance (at a minimum) prior to the commencement of work. A Top Secret clearance is required for individuals who will have access to information classified at that level.

Security screening activities for Ministers and Chiefs of Staff are conducted by PCO, whereas security screening for Ministerial officials are coordinated by the Department. Both PCO and the DFO Security collaborate with the RCMP and the Canadian Security Intelligence Service (CSIS), lead security agencies for the Government of Canada, for specific security screening verifications and assessments. To expedite the process, DFO Security Staff will be available to assist in the completion of security screening forms for any incoming staff. The processing times for security screening may vary; however, special arrangements have been made for a 48 to 72 hour turn-around for incoming Minister's office staff (this timeframe may vary depending on the complexity of an individual's file).

The Department will also work with the RCMP, which has a duty to protect Ministers, to conduct a security consultation of your principal residence, as warranted by your preferences.

[REDACTED]

For your personal safety, the Department can also provide advice to help you remove your personal contact information from the white pages if you so choose.

Identification and access cards, office keys and access codes to cabinets, secure faxes and secure telephone will be provided by the Department to staff members (including Parliament Hill staff members) who require access to Departmental offices. Should sensitive government information need to be handled outside of the office, the Department will ensure that the necessary security equipment (e.g., secure briefcase or cellphone) and IT systems are provided.

s.16(2)

As the Department is apprised by your office (Chief of Staff) of your travel plans, will liaise with the RCMP to ensure the provision of an appropriate level of protection. Additionally, depending on destination, the Department may provide a security travel briefing or invite subject matter experts, such as CSIS, to address country-specific concerns.

In accordance with RCMP's mandate to provide protection to Ministers of the Crown, Ministers should contact the RCMP Protective Policing at [REDACTED]@rcmp-grc.gc.ca / [REDACTED] to provide: schedules; travel plans and or contact information. Their assessment-led service that focuses on treat-risk provides: security consultations; alarms and alarm monitoring; close personal protection; and international protection officer.

Attachment: RCMP Protective Policing – Ministers of the Crown

RCMP



ROYAL CANADIAN MOUNTED POLICE

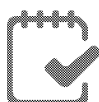
PROTECTIVE POLICING

Ministers of the Crown

EMERGENCY/IMMINENT THREAT/CRIMES IN PROGRESS – CALL 911

THREATS (EMAIL, PHONE, LETTER, SOCIAL MEDIA) – CONTACT RCMP PROTECTIVE POLICING

Phone: (24/7) **Email:** @rcmp-grc.gc.ca (24/7)



WHAT WE DO:

Our Mandate

We protect persons, sites and events.



HOW WE GET THERE:

Assessment-led service delivery with a focus on threat-risk

- Intelligence-led
- Focuses on person, site or event
- Articulates known threats; scans a range of possible threats
- Evaluates risk associated to the likelihood of harm



WHAT WE PROVIDE:

Protective security measures commensurate to assessed threat-risk

- Onsite security/ liaison capacity (event)
- Personal protective measures
 - Security consultations
 - Alarms and alarm monitoring
 - Close personal protection
- International Protection Officer

SAFETY AND SECURITY IS A SHARED RESPONSIBILITY

PERSONAL SECURITY PRACTICES:

- ✓ Immediately call 911 if danger is imminent
- ✓ Always report suspicious activities/persons/behaviour
- ✓ Take personal security precautions
 - ✓ Be aware of surroundings
 - ✓ Avoid predictability in daily routine
 - ✓ Use appropriate home security measures
 - ✓ Delay posting information on social media that may indicate location/activity
 - ✓ Do not open suspicious packages/mail

How you can help us:

- ✓ Contact information – Personal and Chief of Staff
- ✓ Timely information (e.g., schedules; travel plans) to support proper assessment
- ✓ Known threat actors/environment





Fisheries and Oceans
Canada

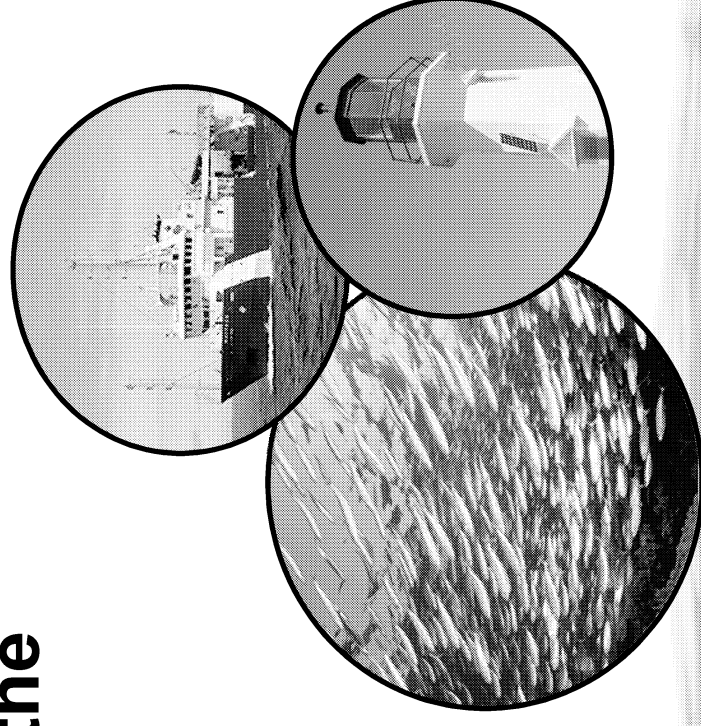
Pêches et Océans
Canada

UNCLASSIFIED

Safety, Security and Emergency Services

Security Briefing for the Minister of Fisheries and Oceans and the Canadian Coast Guard

October 2019



MECTS#4098318

Canada



UNCLASSIFIED

Security Briefing Overview

- Responsibilities
- Departmental Assistance
- Security Screening
- Sensitive Information
- Information Technology
- Information Management and Security
- Personal Safety & Travel
- Foreign Intelligence
- Summary



Security Responsibilities

- Ministers are personally accountable for the security of their staff, offices and sensitive information in their custody
- Deputy Ministers are responsible for security in the Department through the Chief Security Officer (CSO) Dominic Laporte and the Deputy Chief Security Officer (DCSO) Dawn Pearcey



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Departmental Assistance

- The CSO is a critical contact for supporting security needs of the Minister and his office
- Designate a senior officer to act as a point of contact with the CSO and DCSO
- Engage early to identify needs and build relationship



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Security Screening

- Ministers do not receive a security clearance; they undergo a comprehensive vetting prior to appointment
- SECRET security clearance, at minimum, required for all ministerial staff **before** they start work, including interpreters travelling with Ministers
- The DCSO will process clearances and brief your staff



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Sensitive Information

- CLASSIFIED Information (e.g. intelligence, national defence, international affairs)
 - Injury to **national interest** if disclosed
 - Levels — CONFIDENTIAL, SECRET and TOP SECRET
- PROTECTED Information (e.g. tax returns, medical records, trade secrets, witness protection information)
 - Injury to **non-national interests** if disclosed
 - Levels — PROTECTED A, PROTECTED B and PROTECTED C



UNCLASSIFIED

Cabinet Confidences

- Cabinet confidences refer to information in relation to matters discussed or to be discussed in Cabinet or committees of Cabinet (e.g. memoranda to Cabinet, Treasury Board Submissions, Cabinet decisions)
- Cabinet confidences are sensitive (generally marked SECRET) and require special handling
- “Cabinet Documents” administered by PCO are tightly controlled
 - Bar-coded
 - Not to be reproduced under any circumstance
- Loss or compromise of Cabinet confidences must be immediately reported to PCO



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Protection of Sensitive Information

- Avoid sensitive discussions and exposing sensitive information where unauthorized people may overhear or see it
- Only share sensitive information with those with a valid “need to know” and who are authorized to access the information
- Use security approved equipment (filing cabinets, shredders, briefcases, secure phone/fax) for storage and transmittal



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Use of Technology

- The DFO network is suitable for storing Protected A information, or Protected B information that has been encrypted
- The network is not authorized for storage of Secret documents
- Many technologies are ***not*** secure and cannot be used to discuss sensitive issues
 - House of Commons IT systems
 - Internet and wireless devices (e.g. iPad, mobile phone)
 - Social media (e.g. Facebook, BBM)
 - PIN-to-PIN messaging
- Use secure phone/fax when discussing sensitive information, landline phone for other discussions



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Information Management and Security

- Fisheries and Oceans Canada and the Canadian Coast Guard often deal with information pertaining to trade, research and development, and national security
- In order to ensure that this information only remains accessible to individuals with the requisite security clearance and the need to know, internal information management and security requirements are enforced
- The Information Management Branch is available to provide information and training on recordkeeping practices and legislative requirements related to ministerial records
- In terms of information security, the Chief Information Officer is tasked with implementing IT risk mitigation initiatives for the Department



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Personal Safety and Travel

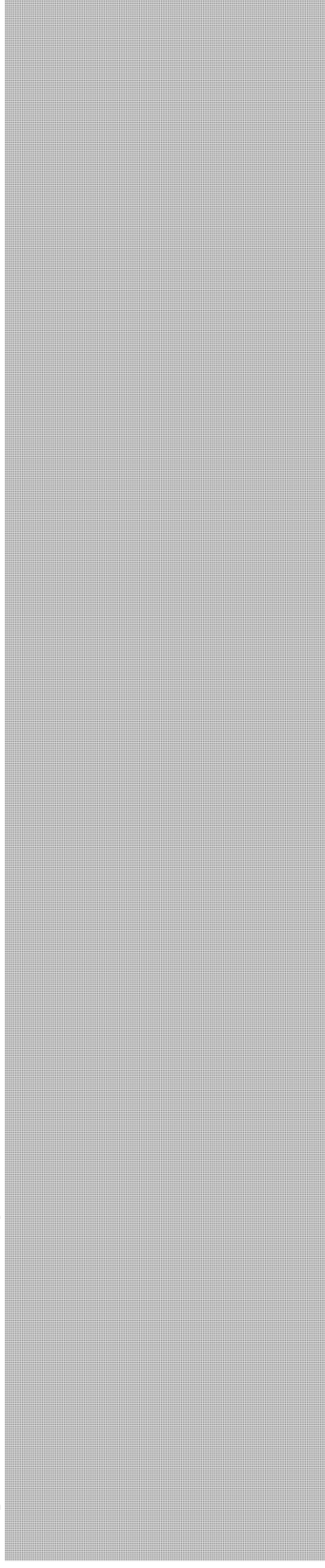
- RCMP will support your personal safety based on threat assessment
- RCMP & Department of Foreign Affairs should be informed of your foreign travel plans
- CSIS will provide information on foreign threats
- Check with DCSO on use of mobile devices
- Travel BlackBerry should be used for foreign travel
- Driver should attend security awareness session for Ministers' drivers



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Foreign Intelligence

- Ministers and their staff and family may be targeted for intelligence gathering
- Be familiar with techniques to elicit sensitive information
- Consider security implications of receiving foreign dignitaries in your office



Summary

- Build a culture of security awareness within your organization from the onset
 - **Always** be aware of and adhere to security procedures and guidelines
 - **Always** be aware of surroundings and threats
 - **Always** report suspicious activities or incidents at the earliest opportunity
- Threats are real and will continue to evolve but can be effectively mitigated

**Pages 307 to / à 308
are withheld pursuant to section
sont retenues en vertu de l'article**

16(2)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Policies for Ministers' Offices - January 2011

The *Policies for Ministers' Offices* took effect on January 17, 2011, with the exception of the following sections, which took effect as of April 1, 2011:

- 3.2.1.1 (see reference to Exempt Support Staff up to the AS-05 level);
- 3.2.1.4 (see reference to Chief of Staff to a minister of State at the EX-01 or EX-02 level);
- 3.2.1.5;
- 3.3; and
- 3.7.2.

Sections 3.2.1.1, 3.2.1.4, 3.2.1.5, 3.3 and 3.7.2 of the 2008 Policies and Guidelines for Ministers' Offices were in effect until April 1, 2011.

Sections 3.2.1.1, 3.2.1.4, 3.3.1.1, 3.4, 3.5, 3.6, 8.1, and Appendix A have been amended on September 20, 2012.

Effective March 28, 2013, Annex E was amended to remove cell phone usage as an expenditure item since these charges are now the responsibility of Shared Services Canada.

Effective June 17, 2016, 3.6 was amended to allow for two additional departmental staff

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Introduction

The Compensation and Labour Relations Sector of the Treasury Board of Canada Secretariat (the Secretariat) publishes and co-ordinates the preparation of this document based on input provided by the Prime Minister's Office and by policy centres at the Secretariat, National Defence, Public Works and Government Services Canada, and the Privy Council Office. By its very nature, the document cannot be all-inclusive and, as such, source documents are cited where appropriate. Responsibility for interpreting the Policies (this document) as they relate to various policies rests with the Secretariat's policy centres or the departments identified above.

The Treasury Board provides ministers with budgets for exempt staff (personnel exempt from the normal appointing procedures under section 128 of the *Public Service Employment Act*), a budget for operating their offices, and a budget for departmental staff assigned to a minister's office.

Ministers must be able to differentiate between expenses for activities related to the conduct of their portfolio and other official government business and expenses incurred as members of Parliament and members of a political party.

This document consolidates the various financial, personnel, and administrative rules and regulations that govern expenses incurred by ministers and their exempt staff when they perform duties directly related to their responsibilities, which are therefore justifiably chargeable against the appropriation of a particular department. Unless specifically exempted, ministers and exempt staff are subject to Treasury Board policies and regulations. The first source of help, information, or guidance on these matters is the deputy minister.

The Treasury Board may authorize exceptions to the Policies in special circumstances. All such requests must first be discussed by the minister with the Prime Minister's Office and the President of the Treasury Board.

The policies in this document that refer to a "minister" or to "ministers" will apply to a "minister of state" or to "ministers of state" wherever applicable (unless stated otherwise) subject to the implementation of appropriate delegation authorities (see section 4.5). In addition, text that refers to a minister's "chief of staff" will apply to a "chief of staff to the minister of state" wherever applicable (unless stated otherwise), subject to the implementation of appropriate delegation authorities (see section 4.5).

This document and Treasury Board policies are available electronically on the Treasury Board Secretariat's website.

Part 1 — Conflict of Interest

1.1 Conflict of interest

The highest standards of probity and integrity are expected of all staff of ministers. All ministers' exempt staff is subject to some or all provisions of the *Conflict of Interest Act*.

The Office of the Conflict of Interest and Ethics Commissioner administers the Act and applies compliance measures. The Office of the Conflict of Interest and Ethics Commissioner will communicate with each individual as soon as notification of his or her appointment has been received from the office of a minister.

The requirements of the Act generally cover the following:

- general principles and specific prohibitions;
- mandatory reporting requirements, involving both confidential and publicly available information; and
- post-employment conditions.

The Office of the Conflict of Interest and Ethics Commissioner can be reached for advice and guidance at 613-995-0721 or by e-mail at ciec-ccie@parl.gc.ca. The *Conflict of Interest Act* can be found at the [Office of the Conflict of Interest and Ethics Commissioner's website](#).

1.1.1 Ministers' exempt staff

As a condition of employment, ministers' exempt staff is subject to the *Conflict of Interest Act* and are also subject to the *Ethical Guidelines for Public Office Holders* as described in Annex G of the *Accountable Government: A Guide for Ministers and Ministers of State*. Ministers' exempt staff who work less than 15 hours per week are public office holders. Ministers' exempt staff who work more than 15 hours per week are reporting public office holders. Public office holders are subject to certain sections of the Act, including sections 33 and 34 of Part III of the Act regarding post-employment measures. Reporting public office holders are subject to all provisions of the *Conflict of Interest Act*. The minister may also designate any exempt staff members as a reporting public office holder, in consideration of their specific responsibilities.

Political staff members are subject to the instructions issued by the Prime Minister in *Accountable Government: A Guide for Ministers and Ministers of State* (2011). According to section VI.1:

Exempt staff [members] do not have the authority to give direction to public servants, but they can ask for information or transmit the minister's instructions, normally through the deputy minister.

Accountable Government also provides that:

In meeting their responsibility to respect the non-partisanship of public servants, exempt staff [members] have an obligation to inform themselves about the appropriate parameters of public service conduct, including public service values and ethics, and to actively assess their own conduct and any requests they make to departmental officials in the light of those parameters.

Exempt staff should also be aware of post-employment obligations as referenced in the *Lobbying Act*.

As soon as they are known, the minister, or his or her delegate designate, is responsible for communicating in a timely and expeditious manner to the Office of the Conflict of Interest and Ethics Commissioner the names and titles (designations) of all newly hired, and departures and terminations of exempt staff members, as well as the number of hours worked per week. Exempt staff members to whom Part II of the Act applies must comply with its requirements within 120 days.

1.1.2 Departmental employees

Departmental staff assigned to the office of a minister must comply with the requirements of the *Values and Ethics Code for the Public Service*. On assignment to such an office, the employee must review his or her circumstances in light of the newly assigned duties and, if necessary, complete a confidential report and submit it to the deputy minister or his or her representative.

Part 2 — Security

2.1 Requirements

All individuals who work in or for the office of any minister, including exempt staff, other employees, contractors, students, and persons on loan, assignment, or secondment, regardless of their work location, require a Level 2 (Secret) security clearance prior to appointment. They must also comply with other requirements for the safeguarding of government information and other assets. Clearances and security briefings are arranged by the deputy minister and the departmental security officer (DSO). The Privy Council Office (PCO) briefs ministers and parliamentary secretaries on applicable security requirements, notably in respect to Cabinet documents (see also section 10.1).

All individuals who work in or for the office of any minister should receive a security briefing from the DSO.

A single senior contact point should be designated within the offices of ministers to co-ordinate security-related matters.

Advice on security clearances and other security requirements under the Policy on Government Security may be obtained from the DSO.

It should be noted that, in cases where contractors are required to obtain a security clearance in order to fulfill the obligations of the contract, this does not imply or constitute an appointment, nor does the requirement to comply with the *Government Security Policy* imply or constitute an employer-employee relationship.

2.2 Personal security

The Royal Canadian Mounted Police (RCMP) provides material to ministers on security precautions they can take to ensure their safety. The RCMP also provides them with a 24-hour, seven-day emergency contact number. In the case of a specific threat, the RCMP can offer additional protection (e.g. a driver, vehicle, and bodyguard).

The DSO should be informed of potential threats and future travel in order to liaise with the RCMP and ensure the provision of the necessary level of protection.

The Policy on Government Security requires protection measures for employees under threat of violence. The DSO can provide advice in this regard.

Part 3 — Human Resources Management

3.1 Employment equity

Ministers are not bound by employment equity legislation in the appointment of exempt staff. Nevertheless, the government has expressed its commitment to the principles and to following the spirit of employment equity. Even though the number of exempt staff is small, ministers may wish to ensure that there is a reasonable mix of men and women on their exempt staff, including individuals from designated groups (i.e. Aboriginal peoples, persons with disabilities, and persons in a visible minority group).

3.2 Staffing

Members of a minister's exempt staff are appointed by the minister pursuant to section 128 of the *Public Service Employment Act* and are "exempt" from the appointing procedures of the Public Service of Canada.

3.2.1 Exempt staff position complements

The *Public Service Employment Act* (PSEA) identifies only one job title for ministers' exempt staff members, that of executive assistant. However, other job titles have been approved by the Treasury Board. The Exempt Staff Position Structure is available in Appendix A.

A minister or minister of state must respect the following conditions:

- there is a maximum of one chief of staff for any minister or minister of state's office;
- the appointment of a chief of staff is subject to prior written and ongoing agreement of the Prime Minister's Office;
- there is a maximum of one director per function (e.g. Policy, Parliamentary Affairs, etc.);
- there is a maximum of one regional affairs director per region. The appointment of the regional affairs director is subject to prior written and on-going agreement of the Prime Minister's Office;
- if the position of chief of staff or regional director is vacant, the Prime Minister's Office shall appoint an acting chief of staff or regional director; and
- rules regarding position titles and respective salary ranges must be observed; and while the number of exempt staff members may vary, subject to section 4.2 the budget for exempt staff granted to a minister or minister of state, as set out via written communication, must never be exceeded without both the prior agreement of the Prime Minister's Office and the approval of the Treasury Board.

Salary maximums for exempt staff are equivalent to the Public Service. A minister or minister of state may only use the salary ranges identified in the table in 3.3.1. Salaries for exempt staff do not necessarily match those of the Public Service. Occupational classification identifiers serve as indicators only.

3.2.1.1 Exempt staff in ministers' offices

Subject to 3.2.1, ministers have the flexibility to configure the complement of exempt staff in their own offices. A minister may use the following positions in the minister's office:

- Chief of Staff (up to the maximum rate of pay for the EX-02, EX-03, or EX-04 level);
- Director (to which should be added the area of responsibility, e.g. Director of Policy, Director of Communications, Director of Parliamentary Affairs and Director of Issues Management) (up to the maximum rate of pay for the EX-02 level);
- Policy Advisor (up to the maximum rate of pay for the AS-08 level);
- Press Secretary (up to the maximum rate of pay for the AS-08 level);
- Senior Special Assistant (to which may, but need not, be added a description of responsibility) (up to the maximum rate of pay for the AS-07 level);
- Special Assistant (to which may, but need not, be added a description of responsibility, e.g. Special Assistant-Communications, Special Assistant-Issues Management, Special Assistant-Parliamentary Affairs, Special Assistant-Policy, Special Assistant-Regional Desk, Special Assistant-MP Liaison and Special Assistant-Appointments) (up to the maximum rate of pay for the AS-05 level);
- Minister's Private Secretary (up to the maximum rate of pay for the AS-06 level);
- Support Staff (up to the maximum rate of pay for the AS-05 level); and
- Driver (up to the maximum rate of pay for the CR-07 level).

3.2.1.2 Exempt staff in ministers' regional offices (MRO)

The following exempt staff members are specific to ministers with regional representation budgets:

- Regional Affairs Director (up to the maximum rate of pay for the EX-01 level);
- Regional Communications Advisor (up to the maximum rate of pay for the IS-05 level);
- Regional Press Secretary (up to the maximum rate of pay for the AS-07 level); and
- Special Assistant (to which may, but need not, be added a description of responsibility, e.g. Special Assistant-Regional Affairs) (up to the maximum rate of pay for the AS-05 level).

Ministers with regional representation budgets have the flexibility to configure their own regional exempt staff complement using existing approved salary ranges for exempt staff; however, they must observe rules regarding position titles and respective salary increments and ranges.

The work location of the regional exempt staff is the MRO, except for a region of ministerial responsibility served from the National Capital Region.

3.2.1.3 Exempt staff in the offices of ministers with a parliamentary secretary

Ministers who have parliamentary secretaries within their portfolio are authorized to hire one exempt staff member dedicated to support each parliamentary secretary. The parliamentary secretary's assistant shall be hired following consultation with the parliamentary secretary. The salary range for the position is up to the maximum rate of pay for the AS-05 level.

3.2.1.4 Exempt staff in the office of a minister of state

A minister of state may employ exempt staff members in any of the following positions using the corresponding salary ranges:

- Chief of Staff to the Minister of State (up to the maximum rate of pay for the EX-01 or EX-02 level);
- Director (to which should be added the area of responsibility, e.g. Director of Policy, Director of Communications, Director of Parliamentary Affairs and Director of Issues Management) (up to the maximum rate of pay for the AS-08 level);
- Policy Advisor (up to the maximum rate of pay for the AS-08 level);
- Press Secretary (up to the maximum rate of pay for the AS-07 level);
- Senior Special Assistant (to which may, but need not, be added a description of responsibility) (up to the maximum rate of pay for the AS-07 level);
- Special Assistant (to which may, but need not, be added a description of responsibility) (up to the maximum rate of pay for the AS-05 level);
- Minister of State's Private Secretary (up to the maximum rate of pay for the AS-05 level);
- Support Staff (up to the maximum rate of pay for the AS-05 level); and
- Driver (up to a maximum rate of pay for the CR-07 level).

3.2.1.5 Exceptions to the exempt staff position structure

These policies are intended to give each minister and minister of state the flexibility to configure the exempt staff complement, positions and titles to meet the demands of that minister or minister of state's portfolio. Subject to approved budgetary limits, and only in exceptional circumstances, ministers and ministers of state may require different exempt staff positions than those identified in this section. Each and every exception for an exempt staff position and salary range must first be discussed with and have the prior written concurrence of the Prime Minister's Office and written approval of the President of the Treasury Board.

The salary maximum for such positions cannot exceed the exempt staff salary range of an EX-04 in a minister's office, or of an exempt staff EX-01 or EX-02 in a minister of state's office, or in a minister's regional office.

A minister whose portfolio includes extremely complex or technical policy issues may increase the salary range for the director of policy to the exempt staff EX-03 or EX-04 level.

3.2.2 Status of the exempt staff after a change in Cabinet

A minister's exempt staff employment ceases 30 calendar days after the minister ceases to be a minister of a given portfolio unless, within that 30-day period:

- the minister appoints the person as exempt staff to his or her new portfolio;
- the person is appointed as exempt staff by the new minister in the same portfolio; or
- the person is appointed to the exempt staff of another minister.

If not reappointed as exempt staff within the 30-day period, all benefits cease (including maternity and parental leave). The former ministers' exempt staff may be eligible to apply for internal advertised appointment processes open to all employees of the Public Service of Canada, pursuant to section 35.2 of the *Public Service Employment Act* (see section 3.7.6 for more detailed information).

When a minister is appointed to a new portfolio, an exempt staff member accepting an exempt staff position with the minister in a new portfolio is accepting an appointment with a new employer, and as such, new letters of offer should be prepared and signed by the minister in their new capacity. This is also true of exempt staff who accept another exempt staff position with another minister. When an exempt staff accepts a new exempt staff position with a minister, the minister may, at his or her discretion, accept liabilities for severance pay, as applicable vacation leave entitlements and sick leave credits for the previous service as an exempt staff. The exempt staff must receive this approval in writing at the time of hiring.

3.2.2.1 Exempt staff members who remain employed by the same minister

- When exempt staff members remain in the employ of the same minister, either in the original or a new portfolio, they do not receive severance pay, separation pay, or a salary extension for 30 calendar days because their employment does not terminate.
- The appointment, reappointment or continued appointment of a chief of staff or regional affairs director, whether or not the minister's portfolio has changed, is subject to prior written agreement of the Prime Minister's Office.
- Subject to section 3.3.1.2 (principles for setting salary rates) and section 3.3.2 (salary increases), the minister may grant a salary increase for a promotion to a higher level of responsibility as defined in the Exempt Staff Position Structure (see Appendix A). Otherwise, the fact that there has been a change in Cabinet does not provide sufficient justification for salary increases for exempt staff. There should therefore be no salary increases.
- The cashing out of earned but unused annual vacation leave credits or the transfer of earned but unused leave credits is at the discretion of the minister and is to be done according to the applicable terms and conditions of employment (see section 3.5.1).

3.2.2.2 Exempt staff members appointed by another minister

If another minister employs an exempt staff member within the 30 calendar days:

- the exempt staff member will continue to receive the same rate of pay if appointed to the same exempt staff position, provided that the duties and responsibilities of the position continue to justify the same rate of pay;
- Subject to section 3.3.1.2 (principles for setting salary rates) and section 3.3.2 (salary increases), the exempt staff member may receive a salary increase only on promotion to a more senior exempt staff position (see Appendix A);
- the exempt staff member does not receive severance pay, separation pay, or a salary extension for 30 calendar days because the employment does not terminate; and
- the cashing out of earned but unused annual vacation leave credits or the transfer of earned but unused leave credits is at the discretion of the minister (see section 3.5.1).

The appointment, reappointment or continued appointment of a chief of staff or regional affairs director is subject to prior written agreement of the Prime Minister's Office.

3.2.2.3 If an exempt staff member does not find employment with any minister within the 30 calendar days

In such cases:

- he or she is entitled to receive severance pay calculated at the rate of two weeks' pay for each year of service on the exempt staff, pro-rated with respect to part of a year's service; there is no minimum period of employment to receive severance; and
- he or she may be entitled to separation pay, which is a discretionary payment made only by the minister. Refer to section 3.7.2 for further details.

3.2.2.4 Exempt staff members hired after the 30 calendar-day period

Ministers are encouraged to make decisions as soon as possible within the 30 calendar days after their new appointment or their termination of office to retain or to release exempt staff members.

If an exempt staff member is not hired until after the 30 calendar days:

- he or she retains the full amount of any severance pay received; and
- he or she must reimburse a proportionate amount of any separation pay if re-hired or engaged under contract, either directly or hired by or engaged under contract with a government contractor, during the period the payment covers (e.g. if paid four months' separation pay and hired two months after her or his minister left or changed portfolio, the exempt staff member would have to repay two months' separation pay).

3.2.2.5 The parliamentary secretary's assistant

When there is an election and Parliament is dissolved, or when Parliament is prorogued the appointments of parliamentary secretaries cease. Likewise, the purpose of the parliamentary secretary's assistant position ceases. At the discretion of the minister any person in the parliamentary secretary's assistant position can be terminated with termination benefits (such as severance and separation pay) or reassigned in the minister's office in another position funded from the minister's exempt staff budget(s). Policies governing transfer among minister's office budgets apply.

3.2.3 Contracting for professional or temporary help services

When contracting for professional or temporary help services, the additional requirements and obligations found under Part 7 of these Policies must also be met. Neither professional services contracts nor contracts for temporary help are employment contracts. No employer-employee relationship can be created when entering into such a contract (see section 7.2 for more information).

3.2.4 Other staffing issues

A minister has discretionary authority to use the services of any member of the exempt staff on public business outside the National Capital Region. The salary or fee for that person is chargeable to the minister's exempt staff budget.

As a general rule, at any one time no more than two exempt staff members shall travel with the minister on public business outside the National Capital Region. This limit shall not be exceeded without prior approval of the Prime Minister's Office.

Exempt staff members' names and the positions they hold are not considered as confidential and could be released under any access to information request.

For information on security issues for employees, please see section 2.2 of this document.

3.3 Pay

3.3.1 Salary maximums

3.3.1.1 Position and salary maximums

Salary maximums for exempt staff for the positions set out below are structured as follows (note: occupational classification codes identifiers are nominal only): there are no minimums and the maximums are equivalent to the current maximums of the Public Service groups and levels (EX, AS, IS and CR). Salary maximums for exempt staff automatically change according to approved changes in the equivalent Public Service groups and levels. That notwithstanding, the increases to exempt staff salary maximums are not economic increases and will not automatically result in salary increases for exempt staff. Salary increases are subject to section 3.3.1.2 and 3.3.2. Current salary information for the Public Service can be found at Rates of Pay (for excluded and unrepresented employees) and Rates of Pay for the Public Service of Canada..

Title	Salary range equivalent to the current maximum of the Public Service level (no minimum)
Position (Minister's Office)	
Chief of Staff	EX-04 or EX-03 or EX-02
Director (e.g. Director of Policy, Director of Communications, Director of Issues Management, Director of Parliamentary Affairs)	EX-02
Press Secretary	AS-08
Policy Advisor	AS-08
Senior Special Assistant	AS-07
Special Assistant	AS-05
Support Staff	up to AS-05

Minister's Private Secretary	AS-06
Driver	CR-07

Position (Minister with regional representation budget)

Regional Affairs Director	EX-01
Regional Communications Advisor	IS-05
Regional Press Secretary	AS-07
Special Assistant	AS-05

Position (Minister with a Parliamentary Secretary)

Parliamentary Secretary's Assistant	AS-05
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Position (Office of Minister of State)

Chief of Staff to the Minister of State	EX-01 or EX-02
Director (e.g. Director of Policy, Director of Communications, Director of Issues Management, Director of Parliamentary Affairs)	AS-08
Policy Advisor	AS-08
Press Secretary	AS-07
Senior Special Assistant	AS-07
Special Assistant	AS-05
Minister of State's Private Secretary	AS-05
Support Staff	up to AS-05
Driver	CR-07

Note:

1. All salaries for exempt staff will be deemed to include compensation for overtime.

3.3.1.2 Principles for setting salary rates

Subject to section 3.3.2, ministers may authorize exempt staff salary increases up to the permitted maximum. An exempt staff member should not be paid the maximum salary unless it can be fully justified by his or her experience and qualifications. There shall be no resulting salary increase when an exempt staff member is appointed to an exempt staff position at the same level in another minister's office.

As a general rule, the maximum salary range is reserved for employees with a relevant professional qualification, 10 or more years' relevant prior employment experience, or extraordinary skills and qualifications.

Where an employee has been actively recruited from a position outside the federal government, the salary of the position from which the employee has been recruited should be taken into account in fixing the place where the employee starts on the salary range.

The number of other employees directly reporting to the employee should be taken into account in fixing his or her position on the salary range.

In exceptional circumstances, a minister may, with the prior agreement of the Prime Minister's Office and approval by the Treasury Board, pay an exempt staff member a salary above the permitted maximum. The minister, the Prime Minister's Chief of Staff and the President of the Treasury Board should first discuss all requests for salaries above the permitted maximum.

Following consultation with the Prime Minister's Office, the Treasury Board may authorize other exceptions to these Policies in special circumstances. The minister should first discuss all such requests with the Prime Minister's Chief of Staff and the President of the Treasury Board.

3.3.2 Salary increases

Only a minister has the discretionary authority to award or withhold salary increases. Salary increases are awarded based on fully satisfactory performance.

Subject to the principles in section 3.3.1.2 and provided funds are available in the exempt staff budget, a minister may authorize salary increases as follows:

- for those exempt staff members whose salaries are below the permissible maximum, a minister has full discretion to increase these salaries, as/when needed subject to the overall cap on ministers' office budgets, not more than once a year until the maximum is reached;
- when an exempt staff is appointed to a position, the first salary increase after the appointment can occur at any time. That first increase establishes the anniversary date for further annual increases in that position;
- once a salary increase has been granted, further annual increases can only be granted on the anniversary date of the first increase. This also applies in situations where there is a change in Cabinet as per section 3.2.2;
- for those exempt staff members whose salaries are at the permissible maximum, a minister may not increase their salaries without the agreement of the Prime Minister's Office and approval by the Treasury Board; and
- for those exempt staff members whose salaries have been agreed to by the Prime Minister's Office and approved by the Treasury Board above the permissible maximum, a minister may increase their salaries by no more than the most recent percentage increase authorized for the corresponding Public Service group and level. A minister may not authorize such increases before the anniversary date of the exempt staff member's appointment or last increase, whichever is later, unless the Prime Minister's Office agrees and Treasury Board approval is obtained.

3.3.3 Acting pay

A minister may authorize acting pay when an exempt staff member temporarily performs the duties of a higher position. To qualify for acting pay, exempt staff members must continuously perform the temporary duties for a minimum of 10 consecutive working days.

3.3.4 Hours of work

The scheduled work week is usually 37 1/2 hours from Monday to Friday inclusively, and the scheduled work day is usually 7 1/2 hours.

3.3.4.1 After-hours meals and transportation

Exempt staff is not eligible for overtime pay, however, an exempt staff member who works overtime extending beyond the normal meal period or who works at least three hours on a day of rest or on a designated holiday, may be reimbursed based on receipts for one or more meals (depending upon the number of meal periods occurring in the overtime period) in accordance with the amounts prescribed in the National Joint Council *Travel Directive* or with the meal rate negotiated for equivalent groups and levels under collective bargaining of the Program and Administrative Services (PA) Group. Rates for meals are updated regularly; consult departmental financial services for current rates.

When a staff member is required to return to work or to remain at work after normal and reasonable public transportation has ceased operating, the minister has the discretion to authorize a taxi or the kilometric allowance between the person's residence and the workplace, based on the province in which the vehicle is plated (as per the National Joint Council *Travel Directive*, Appendix B). Only the portion between work and home is reimbursed for contiguous after-hours work, and this is done only when reasonable public transportation is unavailable.

3.3.5 Prime Minister's Office reporting requirements

All information regarding the employment of exempt staff must be reported to the Prime Minister's Office. This would include information on exempt staff hires, salaries, salary increases, promotions, separation payments and terminations/departures. This shall be reported as soon as the change occurs.

3.4 Employee benefits

This section summarizes the major non-salary compensation provisions in the areas of pensions and insurance. More comprehensive information on these terms and conditions of employment, and help in administering them, is available from departmental human resources offices.

For the purposes of entitlements under the Public Service group insurance plans, Chief of Staff, Director, Regional Affairs Director, Press Secretary and Chief of Staff to the Minister of State are in accordance with the Executive (EX) Group, and Director to a Minister of State, Policy Advisor, Senior Special Assistant, Special Assistant, Parliamentary Secretary's Assistant,

Regional Press Secretary, Regional Communications Advisor, Minister's Private Secretary, Support Staff and Driver are in accordance with the PA Group excluded from collective bargaining.

A minister's exempt staff participates in the following plans:

3.4.1 Compulsory plans

3.4.1.1 For all exempt staff

- Employment Insurance plan;
- provincial health insurance plans; and
- Canada or Quebec pension plans.

3.4.1.2 Compulsory plans, subject to the normal eligibility requirements of each plan

- Public Service Superannuation Plan;
- Supplementary Death Benefit (Part II of the *Public Service Superannuation Act*);
- Long-term Disability (LTD) insurance (part of the Public Service Management Insurance Plan); and
- Public Service Dental Care Plan.

3.4.2 Automatic plans (government-paid)

- The following components of the Public Service Management Insurance Plan:
 - basic life insurance equal to twice the adjusted annual salary;
 - accidental death and dismemberment insurance of \$250,000; and
 - dependants' insurance.
- The following components of the Public Service Health Care Plan:
 - single or family Extended Health Care Coverage; and
 - Hospital Benefit, Level III.

3.4.3 Optional plans (member-paid)

3.4.3.1 For those exempt staff positions whose salary maximums are equivalent to the Public Service PA occupational group

- Public Service Health Care Plan (Extended Health Provision plus Hospital Level I, government-paid; Optional Hospital Levels II and III, member-paid).

- The following components of the Public Service Management Insurance Plan:
 - basic and supplementary life insurance, both equal to the adjusted annual salary;
 - accidental death and dismemberment insurance up to \$250,000; and
 - dependants' insurance.

3.4.3.2 For those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group

The following component of the Public Service Management Insurance Plan: additional supplementary life insurance equal to the adjusted annual salary.

3.5 Leave

Costs for leave with pay are charged to the minister's exempt staff budget. Leave for those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group follows the terms and conditions of the Executive Group, which can be found in the Directive on Executive Compensation. These terms and conditions are amended from time to time. Any period of leave without pay under the Special Leave or Education Leave provision of the EX terms and conditions of employment in excess of three months will not be counted as service.

For all other exempt staff members whose salary maximums are equivalent to the Public Service PA occupational group, leave follows the collective agreement for that group and can be found at Program and Administrative services, as amended from time to time.

3.5.1 Vacation leave

Vacation leave entitlements

Determination of leave entitlements is in accordance with section 3.5 above, with the exception that service for the accumulation of vacation leave under this clause will include employment or service with the Public Service, as defined in the Public Service Superannuation Act if severance has not been issued upon termination of such employment. Vacation entitlements are as follows:

- **Those exempt staff positions whose salary maximums are equivalent to the Public Service EX occupational group**
 - 4 weeks per year on appointment
 - 5 weeks per year after completing:
 - 10 years of service as an Executive Group equivalent and/or as a member of the Executive Group; or
 - 15 years' service, of which 5 years or more are as an Executive Group equivalent or in the Executive Group; or
 - 20 years' service
 - 6 weeks per year after completion of 28 years of service
- **Those exempt staff positions whose salary maximums are equivalent to the Public Service PA occupational group**
 - 3 weeks per year on appointment

- 4 weeks per year after 8 years
- 4 weeks and 2 days after 16 years
- 4 weeks and 3 days per year after 17 years
- 5 weeks per year after 18 years
- 5 weeks and 2 days per year after 27 years
- 6 weeks after 28 years

A minister may authorize an advance payment of the estimated net salary for vacations of two or more complete weeks if this is requested in writing at least six weeks before the last pay day before the vacation begins.

When exempt staff is recalled from vacation leave, they shall be reimbursed for reasonable expenses, as the Treasury Board normally defines them, incurred in travelling to the place of duty and back to the place where they were vacationing, if they resume the vacation immediately. They must submit expense accounts with receipts. When the minister cancels or alters vacation leave that was previously approved, the employee shall be reimbursed for any reasonable monetary penalty incurred in cancelling reservations.

If a person on the minister's exempt staff ceases to be employed or dies, the person or the estate shall be paid for any earned but unused vacation leave, except management leave, according to the following formula:

(days of unused vacation) X (daily pay rate on the day service ends)

In the event of the termination of employment for reasons other than death, a change in government or when the minister ceases to be a minister, unearned vacation leave taken by the employee will be recovered from any monies owed upon termination.

3.5.2 Cashing out of vacation leave

Exempt staff may cash out any or all of their earned but unused vacation leave at any time during the fiscal year with the approval of their minister.

3.5.3 Statutory leave

The following are designated paid holidays:

- New Year's Day;
- Good Friday;
- Easter Monday;
- the day fixed by proclamation of the Governor in Council for celebration of the Sovereign's birthday;
- Canada Day;
- Labour Day;
- the day fixed by proclamation of the Governor in Council as a general day of Thanksgiving;

- Remembrance Day;
- Christmas Day;
- Boxing Day; and
- one additional day that is recognized as a provincial or civic holiday in the area where the person on a minister's exempt staff is employed or the first Monday in August in any area where no such day is recognized as a provincial, or civic holiday.

Ministers' exempt staff is not entitled to designated paid holidays if they are on leave without pay on the full working day immediately before and the full working day immediately after a designated paid holiday.

3.5.4 Election leave

A member of a minister's exempt staff is required to resign or request leave without pay in order to seek nomination. The leave period may end (and the individual may return to his or her duties) once the nomination race has ended, whether or not that person is successfully nominated.

Any exempt staff member who has been nominated as a candidate in a municipal, provincial or federal election or by-election and wishes to campaign prior to the issuance of a writ must do so on their own time. Any exempt staff member who wishes to campaign as a candidate after the issuance of a writ in an election, must resign or be granted leave without pay, at the minister's discretion.

After the writs are issued or once Parliament or any provincial legislature or territorial council is dissolved, the exempt staff member should avoid declaring or having himself or herself declared by others to be a candidate before he or she has resigned or started the leave without pay.

Should a member of the minister's exempt staff decide to become actively involved on a full-time basis in a federal, provincial, or territorial election or by-election, the member is required to take leave without pay or resign his or her position. If a member becomes engaged in campaign activities on a part-time basis, his or her involvement must be on his or her own time and not during regular office hours. No vacation leave or any other leave with pay will be permitted for election purposes.

3.5.5 Management leave

When exempt staff members must work overtime hours, or when they work or travel on a day of rest or on a holiday, they may be granted management leave (leave with pay). This leave is granted as a minister considers appropriate, with the appropriate documentation. Management leave should be granted as soon as possible after the period that justifies it and must not exceed the overtime hours worked or spent in travel. In no circumstances shall management leave be granted after an election has been called or as compensation for election activities.

3.5.6 Other leave

A minister may grant leave of absence with pay, for a period of no longer than two weeks, when the place of work has been rendered uninhabitable and the employee cannot perform his or her duties until an alternative place has been found or when the employee is required or urgently needed to help with a community emergency.

3.6 Departmental staff assigned to ministers' offices

The Treasury Board authorizes departmental staff complements and personnel costs budgets to be provided from existing departmental resources. In keeping with the Public Service's non-partisan tradition, departmental staff assigned to a minister's office may provide only non-partisan departmental advice or administrative assistance that falls within the scope of the minister's portfolio responsibilities. The duties of the Departmental Assistant assigned to a minister's office would normally include liaising between the minister's office and the department, as well as managing the sharing of information and documents. The duties would also include providing, in collaboration with the deputy minister and senior departmental officials, advice on departmental issues to the minister and his or her exempt staff.

A minister is permitted one Departmental Assistant, which could be classified at a level equivalent to PM 06, EX 01, or EX 02, commensurate with the breadth of knowledge and expertise required for this position. In addition, the minister is permitted one departmental administrative support position classified at a level equivalent to AS-01 and one departmental corporate support position classified at a level equivalent to AS-04 who will assist with financial and human resourcing planning; that these three positions are not charged against the minister's departmental staff budget, but directly from existing departmental reference levels. This is the maximum complement of departmental positions funded directly by the department. Any other remaining departmental staff positions are considered to be support staff positions and must be funded from the minister's departmental staff budget. There can be a maximum of one senior support staff position. All other positions may only be classified up to the AS-04 level. These departmental staff dedicated to a minister's office must be funded from the departmental staff budget allocated to the minister.

A minister may hire as many departmental staff as the departmental staff budget will allow; however, subject to 4.2 departmental staff budget maximums may not be exceeded without prior Treasury Board approval.

Ministers should make available the services of their departmental staff to assist ministers of state.

Maximum levels for departmental staff for ministers' offices are indicated in the following table:

Departmental Employees	
Position Titles	Public Service Level (up to)
Departmental Assistant	EX-02 or EX-01 or PM-06
Departmental Administrative Support Staff	AS-01
Departmental Corporate Services Staff	AS-04
Senior Support Staff	AS-05
Support Staff	AS-04

Departmental staff assigned to a minister's office are Public Service employees in the employ of their department. These persons cannot transfer with a minister when he or she changes portfolio. Persons whose main duties have been to provide a personal service to a minister however are an exception, since the personal service they provide is more important than their knowledge of departmental organizations or responsibilities. For this reason, two departments may make arrangements to transfer such persons, provided this does not duplicate roles.

The Treasury Board will consider any other requests for exceptions to this policy. In developing proposals for exceptions, ministers should give due consideration to the potential implications for departmental employees who may be displaced by other Public Service employees who may move from the previous portfolio.

Departmental staff may be physically located near the minister's office and normally receive direction from the minister or exempt staff members in the conduct of the business of the minister's office. They are, however, at all times an integral part of the human resources of the department and, as such, are ultimately responsible to departmental authorities.

Departmental staff in ministers' offices should not provide services that are readily available in the department. Ministers should look to the deputy minister for professional advice and support on both policies and operations across the full range of their responsibilities.

3.7 Termination

In all cases (i.e. resignation, death, dismissal, layoff, and retirement), discretionary separation payments are in addition to any severance pay entitlement.

As soon as they are known, the minister, or his or her delegate, is responsible for communicating to the Office of the Conflict of Interest and Ethics Commissioner the names and titles of all exempt staff members whose employment has terminated or who have left the minister's office.

The Office of the Conflict of Interest and Ethics Commissioner will communicate with all exempt staff members regarding their post-employment obligations under the Conflict of Interest Act.

3.7.1 Severance pay and transferring in previous service

Employees have a right to severance pay when they end their services voluntarily, are dismissed, die, or are laid off owing to lack of work or discontinuance of a function. Severance pay stays the same, whatever the circumstances of termination; that is, the amounts will be the same for resignation, death, dismissal, lay-off, and retirement.

When a person on a minister's exempt staff ceases to be employed, severance pay is calculated at the rate of two weeks' pay (based on salary at termination) for each year of service. "Service" for this purpose refers to service as an exempt staff member only. Calculations are pro-rated in respect of part of a year's service. There is no ceiling on the maximum number of weeks to be paid.

Severance payments are to be funded centrally, through a central Treasury Board Vote, as required.

For severance purposes, in certain cases ministers may recognize (or "transfer in") an exempt staff member's previous service with a member of Parliament's staff.

The exempt staff member must have gone directly from this service to the minister's office (in other words, there must not have been a break in service of more than three months). Furthermore, the exempt staff member must not have received severance payment from Parliament. If the exempt staff member wants to transfer in previous service, he or she must obtain approval in writing from the minister at the time of hiring. The exempt staff member then sends one copy of this approval to the department's pay office and another copy to Parliament. Upon termination of employment, an exempt staff member's severance pay for service as a member of Parliament's staff member will be one week's pay per completed year of service (based on the salary at termination of employment as an exempt staff member) as long as the exempt staff member, with the combined service of the previous employer and service with the minister, has fulfilled the requirements of the previous employer to receive severance pay. The maximum carry over for severance pay related to the previous service transferred in from a member of Parliament's office is 12 weeks.

Note:

For those exempt staff members in their 30-day period, starting November 4, 1993, and who transferred in to a minister's office from an MP's office (as defined in the PSSA) immediately prior to April 1, 1987 (i.e. without a break in service of more than three months) and who did not receive severance pay for their service from the previous employer, departments are advised that, for severance purposes, this previous service as a member of an MP's staff is deemed to have been transferred in with the employee. Severance for this previous service will be calculated at one week's pay per completed year of service as an MP's staff member (maximum of 12 weeks'

severance pay), at the final salary at termination of employment as an exempt staff member. The regular severance pay provisions for their service as exempt staff members will also apply.

3.7.2 Separation pay

Separation pay may be paid at the discretion of the minister when the employee's services are ended. This pay is intended to compensate for possible loss of earnings resulting from an often unpredictable and, at times, abrupt termination of employment. Separation pay is paid as a lump-sum when the exempt staff member ceases to be an exempt staff.

A minister, at his or her discretion, may authorize separation pay taking into account seniority, length of service or other relevant considerations. Examples of situations where this may occur include:

- the minister dismisses a member of the exempt staff without notice;
- the minister ceases to be a minister;
- the minister changes portfolios or responsibilities and does not retain the employee's services;
- when the minister agrees that the employee can no longer remain employed by the minister for reasons out of the employee's control, such as family-related reasons, or illness.

Examples of situations where separation pay should not ordinarily be provided:

- to an employee who voluntarily terminates his or her employment and who is commencing alternative employment immediately. For greater certainty a negotiated resignation is not considered voluntary;
- to an employee dismissed for cause.

A minister must approve separation pay prior to ceasing to be a minister or prior to changing portfolios or responsibilities. Separation pay may be authorized by the Prime Minister's Office when the minister has already left the portfolio.

Separation payments are to be funded through departmental operating budgets and not charged to the minister's exempt staff budget or other operating budget.

3.7.2.1 Amount payable

To compensate for possible loss of earnings, ministers may, at their discretion, authorize a maximum of up to four months' separation pay for a period of service of less than four years and up to six months separation pay for a period of four years or more. While a minister may authorize separation pay up to the maximum set out above, separation pay of one month per year of service is considered reasonable.

3.7.2.2 Reimbursement

Separation pay is not paid when a member of the exempt staff has been granted leave without pay from the Public Service to work in the minister's office. In this case, the person remains an employee in the department that granted the leave without pay, and any subsequent termination benefit would be the responsibility of that department.

If a person who has received separation pay works in or for another minister's office or any federal institution during the period covered by his or her separation pay, whether compensated directly as an employee or contractor, or indirectly, as an employee or subcontractor of a contractor, the separation pay is to be refunded proportionately. This provision averts a duplication of payments out of government funds (i.e. the Consolidated Revenue Fund). Refer to Government of Canada Estimates and appropriations documents to determine organizations funded through the Consolidated Revenue Fund.

3.7.3 Entitlements when a minister ceases to be a minister

When a minister ceases to be a minister, or changes portfolio and does not take a member of the exempt staff to the new portfolio, affected employees continue to draw salary for 30 calendar days, in accordance with section 128 of the *Public Service Employment Act* (PSEA). Where a minister authorizes separation pay, the payment begins at the end of this 30-day period. When ministers cease to hold office due to a Cabinet shuffle or a general election, members of their exempt staff who are not rehired by a minister or in the Public Service are to be deemed to have been laid off at the end of the 30-day period for the purposes of the Public Service Health Care Plan and the Public Service Dental Plan.

A member of the exempt staff shall be paid according to the following formula for vacation leave that is earned but unused:

(days of unused vacation) multiplied by (daily pay rate on the day service ends)

Management leave (section 3.5.5) may not be counted as earned vacation leave.

3.7.4 Mobility provision for former ministers' exempt staff

Under Section 35.2 of the *Public Service Employment Act*, former ministers' exempt staff who have been employed for at least three successive years as exempt staff in a minister's office, in the office of the Leader of the Opposition in the Senate, or in the office of the Leader of the Opposition in the House of Commons, may be eligible to participate in internal advertised appointment processes open to all employees of the Public Service.

This mobility provision is effective for a period of one year after the person ceases to be employed as ministers' exempt staff. As a participant in internal advertised appointment

processes, former ministers' exempt staff also have the right to make a complaint to the Public Service Staffing Tribunal.

The Public Service Commission (PSC) has retained the authority to determine eligibility for the mobility provision. Applicants will need to complete the Request Form – Confirmation of Former Ministers' Staff Mobility Provision available on the PSC website. The PSC will review the request and advise, in writing, regarding eligibility. Further information is available from internal departmental Human Resources or the [PSC website](#).

3.7.5 Employment assistance: outplacement services

A minister may, prior to ceasing to be a minister or changing portfolios or responsibilities, authorize up to \$5,000 to cover fees for professional outplacement services for a member of his or her exempt staff whose employment has ended. An exempt staff member whose employment has been terminated should register with an outplacement firm within 30 days of the termination date or in the 30 days after a minister ceases to be a minister. This should be done within these time frames, even if services may be rendered at a later date. However, in all cases, services must be rendered within one year of the termination date.

Outplacement services usually provide such information as how to prepare a résumé, how to prepare for an interview, and how to present oneself at an interview. Costs for training or skills improvement, such as computer literacy or language courses, are not included.

Typically, the outplacement firm enters into a signed agreement with the member of the exempt staff that stipulates what services will be rendered. Invoices are to be sent to the departmental financial services unit. The cost of outplacement services is charged to the minister's other operating costs budget.

3.8 Student exempt staff

Ministers have a separate exempt staff budget for hiring students, normally during the summer months. Students are not hired through the Public Service student employment programs, however, these program rates are useful as a guide to remuneration and are available on Treasury Board Secretariat's website: [*Terms and Conditions of Employment for Students*](#).

Student exempt staff is, in general, subject to some of the same terms and conditions of employment as exempt staff. However, for the purposes of leave, designated holidays, lay-off, and part-time assignments, the Public Service [*Terms and Conditions of Employment for Students*](#) will apply to student exempt staff. Student exempt staff is not eligible for severance pay, separation pay, acting pay or leave with pay, other than bereavement leave, nor outplacement assistance.

3.9 Changes in portfolio

When a minister changes portfolio or when a new minister is appointed to an existing portfolio, any exception(s) to these policies for ministers' offices with respect to the exempt or

departmental staff complement (eg. additional or new positions, salary rates) approved by the Treasury Board for that portfolio expire. Exceptions for ministers changing portfolios will require re-approval by the Treasury Board. Should any exception(s) at the time of the portfolio change be approved, the appropriate minister(s) will be informed by written communication.

Part 4 — Financial Management

4.1 Establishing the ministers' office budgets

The budgets for ministers' offices are funded from existing departmental reference levels. The budgets for ministers' offices are intended to cover the costs of conducting portfolio and other official government business. These budgets are in addition to and separate from entitlements that a minister has as a member of Parliament. These Policies do not extend to the entitlements of a minister related to being a member of Parliament; such entitlements are explained in detail in the *Members' Allowances and Services Manual* published by the House of Commons. Questions related to these entitlements should be referred to the Office of the Comptroller, House of Commons.

Ministers' office budgets are subject to the same provisions of the *Financial Administration Act* (FAA) that apply to expenditures of other departmental funds. The FAA is intended to assure parliamentary control over public money by prescribing a financial control framework for all financial transactions. Many of the financial management provisions in the FAA are put into force through Treasury Board-approved policies. Therefore, unless specifically exempted, ministers' budgets are also subject to Treasury Board policies and regulations.

Ministers' office budgets are subdivided into components that must be controlled separately as listed in the following sections.

Components of ministers' office budgets include:

- ministers' exempt staff personnel costs budgets ("exempt staff budget");
- ministers' other operating costs (i.e. non-personnel) budgets ("other operating budgets"); and
- ministers' departmental staff personnel costs budget ("departmental staff budget").

4.2 Budget transfers and the carry forward of unspent funds

4.2.1 Budget transfers

Within the overall limit communicated by the Treasury Board regarding ministers' office budgets, funds can be transferred among the exempt staff budgets, the departmental staff budget and other operating budgets. When funds are transferred to an exempt staff budget or to the departmental staff budget from other operating budgets, the department must set aside, from its own funds, an additional amount of other operating funds equal to 20% of the funds transferred. Conversely, when funds are transferred from either a minister's exempt staff or the departmental staff budget to the other operating budget, that budget will only be increased by the amount of the reduction in the personnel costs budget. In this way, the ministers' office budgets will not be impacted by the 20% transfer cost that applies to transfers between personnel and other operating budgets, thereby respecting the spirit of allocating specific budget levels to ministers' offices for personnel and other operating costs. The transfer cost will be managed by the department.

4.2.2 Operating budget carry forward

Ministers may access the departmental operating budget carry forward from one fiscal year to the next for an amount equal to their unspent exempt staff and other operating budgets, up to a maximum of five percent of their most recently approved annual budgets effective on April 1 of the fiscal year. Any increases after the approval of the annual budgets are to be excluded from the calculation of the 5% ceiling.

Where a minister is named to a different portfolio or where a new minister is appointed to an existing portfolio, the budget for the purpose of calculating the 5 % maximum carry forward will be the annualized amount that is determined for the office of the new minister on the basis of section 4.4.6.

4.3 Accountability

Expenditures for the portfolio or for other official government business that are charged against a minister's other operating budgets, or against exempt staff budgets, are expenditures against a "program expenditure vote" or an "operating expenditure vote" in the appropriate department. The expenditure of public funds in these budgets must be made only with the usual high standards of prudence and probity.

Ministers are individually responsible and accountable for dealing with all public inquiries about the expenditures made from their office budgets—whether by them directly, by their staff or on their behalf—including publicly justifying them if the need arises.

4.4 Accounting for expenditures charged to ministers' budgets

Subject to 4.2, the overall budget for a minister's office cannot be exceeded. A minister who wishes to have his or her budget increased must seek approval from the Treasury Board, after discussing the request with the Office of the Prime Minister and obtaining a written approval.

Expenditures against a minister's exempt staff budgets and other operating budgets must be limited to the types of expenditures that can be legally charged against each budget—in other words, the expenditures must clearly fall within budget parameters (scope, purpose, and limits).

There are types of expenditures that should be charged to specific budget components in a minister's office budget. Other types of expenditures will be charged to the department's budget (examples are outlined in Appendix E).

4.4.1 Ministers' exempt staff personnel costs budget ("exempt staff budget")

Ministers, except the Prime Minister, receive a prescribed exempt staff budget to manage their offices. This budget is over and above any budget to which the minister is entitled as a member of the House of Commons. The budget provided by the House of Commons is used to pay for staff in the House of Commons office and in the constituency office.

The Treasury Board periodically sets the size of a minister's exempt staff budget. The President of the Treasury Board notifies each minister of the annual amount in writing, according to the previous written communication. The exempt staff budget is to be funded from within existing departmental reference levels.

Only direct personnel costs can be charged to the exempt staff budget, including the following:

- salaries (including pay while on leave);
- pay for unused vacation leave, at the request of the exempt staff with the approval of the minister, on termination of employment, or paid out at the end of each fiscal year; and
- salary for the 30 days' employment to which exempt staff is entitled when a minister ceases to be a minister (see section 3.7.5).

The following exempt staff-related costs are to be funded from the personnel budgets of the department:

- maternity or parental benefits (supplemental employment benefit);
- vacation pay for unused vacation leave on termination of employment when at termination of employment the employee is eligible for severance pay;
- severance pay; and
- separation pay

For Public Service employees, the department will be reimbursed for expenditures in the first three categories through an allocation from a Treasury Board Central Vote. The department must absorb costs related to separation pay.

4.4.2 Ministers' other operating costs budgets ("other operating budget")

The other operating budgets of a minister covers all operating expenditures incurred by parliamentary secretaries, by exempt staff or by departmental staff in a minister's office. Only direct operating expenditures that are related to the conduct of portfolio or other official government departmental business are to be charged to a minister's other operating budgets.

The following costs will be charged to a minister's other operating budgets:

- official gifts, travel, hospitality, and other services in relation to the department (exceptions for international travel may apply; see section 6.5);
- conference and training costs for exempt staff;
- relocation of exempt staff to the minister's departmental office (on appointment only);
- office furniture and furnishings for ministers and their private secretaries that are over and above normal departmental standards;
- fees for professional outplacement services;
- the cost of professional and temporary help services for the minister's departmental office; and
- all other expenditures directly attributable to the operation of a minister's departmental office. These expenditures could include, but are not restricted to, items such as the use of

cell phones, the acquisition of office equipment that is over and above departmental standards, the use of taxi and courier services, and postage. It is expected that all indirect departmental costs such as corporate services costs (e.g. Finance and HR) and other costs for internal service providers will not be charged against the minister's budgets following the funding model used in the department.

Appendix E provides a non-exhaustive list of examples of items that should be charged to a minister's other operating budget and those that should be charged to a budget of the department or agency.

4.4.3 Ministers' departmental staff personnel costs budget ("departmental staff budget")

Costs related to departmental personnel assigned to a minister's office must be charged to the minister's departmental staff budget, with the exception of costs related to the Departmental Assistant, which are funded directly from the existing departmental or agency reference levels. These costs must be accounted for separately as part of the minister's office expenditures. Costs such as bilingualism bonuses and overtime are to be included in the minister's departmental staff budget. Other personnel-related costs, such as training and development, will be funded by the department in accordance with existing departmental practices for Public Service employees.

4.4.4 Budget for parliamentary secretary's assistant

The parliamentary secretary's assistant is a minister's exempt staff member dedicated to supporting a parliamentary secretary. A minister is authorized to hire one parliamentary secretary's assistant for each parliamentary secretary appointed. Only one minister is authorized to hire a parliamentary secretary's assistant when the parliamentary secretary has multiple responsibilities under the jurisdiction of more than one minister. When a parliamentary secretary(ies) is (are) appointed to assist a minister, departments are authorized to provide a parliamentary secretary's assistant (exempt staff) budget and an other operating costs budget for the assistant for each parliamentary secretary appointed subject to Treasury Board approval. The source of funds for these budgets is existing departmental reference levels.

4.4.5 Budgetary increases and exceptions

Ministers' budgets are to be allocated from within existing departmental reference levels. Subject to section 4.2, budgets cannot be exceeded. A minister who wishes to have his or her budget increased or modified, or an exception granted, must first obtain the written agreement of the Prime Minister's Office and the President of the Treasury Board. The Treasury Board must approve the proposal. Budgetary increases and exceptions are to be funded from the existing departmental reference levels.

4.4.6 Budgets as a result of a change in portfolio

When a minister changes portfolio or when a new minister is appointed to an existing portfolio during the course of a fiscal year, the office budgets for the remainder of the year in the new portfolio are to be equal to the outstanding free balance representing the budgets for that

portfolio (after outstanding commitments have been paid), as set by the Treasury Board, for the balance of the fiscal year. This will include budget increases and modifications already approved by the Treasury Board for that portfolio. The Treasury Board may rescind, modify, or revise any budget at the time of the portfolio change. If so the appropriate minister(s) will be informed by written communication.

When regional responsibilities are transferred among ministers during the course of the fiscal year, budgets for the remainder of the year are to be equal to the outstanding free balance representing the budget for that responsibility (after outstanding commitments have been paid), as set by the Treasury Board, for the balance of the fiscal year.

When a minister with regional responsibilities changes portfolios during the course of the fiscal year, the budgets for the regional responsibilities, as set by the Treasury Board, are to be equal to the outstanding free balance remaining in those budgets (after outstanding commitments have been paid) as at the date of the change.

Regional representation budgets are to be funded from existing departmental reference levels.

4.4.7 Expenditures of ministers' offices report

On December 12th, 2006 the *Federal Accountability Act* amended the *Access to Information Act* with the following provision:

72.1 The head of a department or a ministry of state for the Government of Canada shall publish an annual report of all expenses incurred by his or her office and paid out of the Consolidated Revenue Fund.

This report is published in Volume III, Section 10 of the *Public Accounts of Canada*. Expenditures presented in this report are those charged to ministers' budgets and do not include statutory expenditures, such as the minister's salary and motor vehicle allowance, or employer contributions to superannuation and benefit plans, nor do they include civilian termination benefits.

For further information, please refer to Chapter 15 of the *Receiver General Manual*, which provides the instructions and guidance to prepare the information required for this report.

All enquiries with respect to this annual report are to be directed to the Financial Management Policy Division, Office of the Comptroller General of Canada by emailing: fin-www@tbs-sct.gc.ca or calling 613-957-7233.

4.5 Financial authorities

Treasury Board policies related to financial management are generally found in the comptrollership policies.

These policies provide directives governing the accounting and control of expenditures and outline the framework for exercising financial authorities to satisfy the requirements of the FAA. Essentially, there are three types of authority related to expenditures—spending authority, certification authority and payment authority.

Two major requirements related to financial authorities are 1) no person can exercise both spending and payment authority for a payment; and 2) no person can exercise spending authority for a payment from which he or she can benefit personally, nor should a person be involved in any of the processing steps with respect to his or her own pay and benefits.

Reference: *Directive on Delegation of Financial Authorities for Disbursements*.

Deputy heads are responsible for implementing the appropriate delegation instruments to ensure that authorities may be exercised on behalf of "appropriate ministers" as defined in the *Financial Administration Act* (FAA). These delegation instruments should provide authority to ministers and ministers of state within the portfolio of the appropriate minister, for responsibilities related to their exempt staff and the expenditures related to their exempt staff budgets, their other operating budgets, and other financial obligations identified in this document where the expenditures are charged to the appropriations of their departments.

Appropriate ministers may delegate, pursuant to the *Financial Administration Act*, financial authorities for these expenditures to their chief of staff or other exempt staff but the persons authorized under the delegation cannot subdelegate these authorities. Likewise, appropriate ministers may delegate, pursuant to the *Financial Administration Act*, financial authorities for these expenditures to their portfolio ministers or to their exempt staff or to the portfolio minister of state or to the chief of staff to the minister of state, but the persons authorized under the delegation cannot subdelegate these authorities. Nevertheless, a minister may not subdelegate the hiring, determination of salaries and salary increases, or termination of his or her own exempt staff. The appropriate minister may delegate the authority for such decisions concerning the exempt staff of a portfolio minister or minister of state, only to that portfolio minister or minister of state.

4.5.1 Spending authority

Spending authority consists of three elements—expenditure initiation authority, commitment authority, and transaction or contracting authority.

The minister is responsible for, and has spending authority over, the exempt staff and other operating budgets. Often, the minister will delegate some of this authority to the chief of staff or other senior exempt staff. However, this delegation does not apply in instances where a minister wishes to hire, dismiss, or set salaries for exempt staff.

4.5.1.1 Expenditure initiation

This authority is delegated to ministers to initiate expenditures against their budgets, requisition goods and services, hire staff, extend hospitality, and the like. However, before the expenditure

is actually made, the contract entered into, or the arrangement made, there must be a confirmation that funds are available—the commitment authority.

4.5.1.2 Commitment authority

Under section 32 of the FAA, ministers, or financial officers acting on their behalf, must control commitments and ensure that funds are available within existing appropriations to discharge the financial commitment that would result from the contract or other arrangement.

Controls over commitments and expenditures must be maintained to ensure that neither the minister's exempt staff nor the minister's other operating budgets are overspent.

Reference: Treasury Board *Directive on Expenditure Initiation and Commitment Control*.

4.5.1.3 Transaction or contract authority

The authority to acquire material and goods is delegated to the minister from the Minister of Public Works and Government Services. The minister is ultimately responsible to Parliament for all contracting activity. Within a minister's office, the authority to contract may be delegated to the minister's chief of staff.

Officials delegated such authority are to exercise it with prudence and probity so that the responsible minister is acting and is seen to be acting within the letter and spirit of the FAA, the *Government Contracts Regulations*, and the Treasury Board's contracting directives and policy. Please see Part 7 for further details on contracting.

In March 2004, the Government of Canada announced a new policy on the mandatory publication of contracts over \$10,000. Please see Part 7 for further details.

4.5.1.4 Certification authority

Expenditures incurred by ministers and their exempt staff are subject to the account verification process and must be certified under section 34 of the FAA prior to payment.

Under section 34 of the FAA, ministers are obligated to confirm that goods have been received or the work performed satisfactorily and that the price charged is correct. This account verification process includes checking that the relevant contract terms and conditions, including price, quantity, and quality have been met and, if an advance payment is being made, that it is required by the contract and that all relevant statutes, regulations, orders in council, and Treasury Board policies have been complied with. Financial officers with payment authority under section 33 of the FAA are responsible for the quality of the account verification process performed pursuant to section 34 of the FAA.

The account verification process must provide for auditable evidence of verification, including the identification of the various individuals who performed the verification.

Reference: Treasury Board *Directive on Account Verification*.

4.5.2 Payment authority

Payment authority is the authority to requisition payments. Pursuant to section 33 of the FAA and the *Payments and Settlements Requisitioning Regulations, 1997*, requisitions for payments may be made only if the payment has been verified under section 34, if there are sufficient funds available in the appropriation to make the payment, and if the payment has not been made previously.

Payment authority is usually delegated to departmental financial officers.

The departmental financial staff verifies the minister's certification (or that of a delegate) under section 34 and any required supporting documentation before requisitioning payment under section 33.

While, for reasons of confidentiality, some payment requests by ministers do not have to be supported by receipts and other documents that provide evidence of goods and/or services received, these supporting documents should nevertheless be retained in the offices of the ministers. In the absence of supporting documentation, there is normally a requirement for an official certification or attestation by the minister, and an original signature (not that of a delegate) is required.

4.6 Internal audit

It is government policy that departments:

- have an effective, independent, and objective internal audit function that is properly resourced to provide sufficient and timely assurance services on all important aspects of its risk management strategy and practices, management control frameworks and practices, and information used for decision making and reporting;
- incorporate internal audit results into their priority setting, planning, and decision-making processes; and
- issue completed reports in a timely manner and make them accessible to the public with minimal formality in both official languages.

Any charges against the departmental appropriation, including those incurred by the minister or his or her office, fall within the scope of the internal audit function.

4.7 Minister's salary and motor vehicle allowance

A minister's salary and motor vehicle allowance are authorized by separate enabling legislation that does not require annual approval by Parliament. The salary of each Cabinet minister as well as of both Government House Leaders is provided for in section 4 of the *Salaries Act* and the minister's motor vehicle allowance is provided for in paragraph 63(2) of the *Parliament of Canada Act*.

The motor vehicle allowance for a minister of state is also statutory. However, salaries for ministers of state are not statutory and are included in the funds approved by Parliament in annual appropriation acts. As noted in section 6.2, the ministers of the Treasury Board have established a directive covering motor vehicles.

Part 5 — Office Accommodation and Supplies

5.1 Office accommodation

5.1.1 Introduction

Ministers have offices on Parliament Hill, as well as constituency offices that are both administered under the House of Commons guidelines and budgets and are completely separate from departmental headquarters offices and ministers' regional offices; these are outlined below.

The entitlements related to being a member of Parliament are explained in detail in the *Members' Allowances and Services Manual* published by the House of Commons, and questions related to these entitlements should be referred to the Comptroller's office, House of Commons.

5.1.2 Departmental headquarters offices

Office requirements of the minister in the department's headquarters are normally accommodated within the space allocated to the department. The minister's requirements are normally co-ordinated by the deputy minister.

Public Works and Government Services Canada, in consultation with the departmental facilities management group, is responsible for initial fit-up of this space based on the functional and operational requirements and applicable cost guidelines. Changes to existing offices (during a minister's tenure or on appointment of a new minister) are funded by the department.

5.1.3 Ministers' regional offices

Ministers' regional offices (MRO) have been established for the use of all local and visiting ministers and their officials in conducting government business in regions. These offices are not intended to duplicate the functions of the constituency offices and other support provided by the House of Commons.

Public Works and Government Services Canada is responsible for the establishment and operation of ministers' regional offices, including common operating costs, construction, rent, fit-up, parking, etc.

There are ministers' regional offices in Iqaluit, Vancouver, Edmonton, Calgary, Regina, Winnipeg, Toronto, Kitchener, Montréal, Quebec City, Halifax, Moncton, and St. John's. New MROs are to be opened in Fredericton, Charlottetown, Whitehorse, and Yellowknife in 2011. The establishment of an individual ministerial office outside the headquarters area requires specific approval from the Treasury Board prior to project initiation.

Ministers are responsible for funding the direct cost over and above the common costs (such as added costs for regional exempt staff, resident exempt staff, hospitality, additional services, and accommodation) of their use of the MROs.

5.2 Office furniture and furnishings

5.2.1 Departmental headquarters offices

All office furniture and furnishings for a minister's departmental headquarters office are subject to the Treasury Board *Policy on Management of Materiel* (2006). Further guidance on the application of this policy can be found in the Treasury Board Secretariat's *Guide to Management of Materiel*.

The *Department of Public Works and Government Services Act* gives the Minister of Public Works and Government Services the mandate to acquire materiel for departments and thus the Act's provisions apply, regardless of who uses the furniture and furnishings.

A minister's department funds the acquisition of office furniture, fixtures and equipment, and their operation and maintenance costs.

5.2.2 Ministers' regional offices

These offices are subject to the provisions of the *Policy on Management of Materiel* governing office furniture and furnishings. As a rule, all furniture and furnishings purchases are considered overhead or common costs.

5.3 Office equipment and supplies

The Treasury Board *Policy on Management of Materiel* applies to general office equipment and supplies for ministers' departmental offices. Letterhead and stationery is covered by the Federal Identity Program.

Ministers' staff should refer to the *House of Commons Members' Allowance and Services Manual*, which outlines in detail the equipment standards and services required to facilitate House of Commons operations.

5.4 Stationery and printed media

5.4.1 Federal Identity Program

The Federal Identity Program (FIP) is the Government of Canada's corporate identity program. The government has an obligation to make evident to Canadians, wherever they reside, how their taxes are used to provide programs, services, and infrastructure. The government must project a consistent and coherent presence and identity to ensure that Canadians recognize, at a glance, their government at work for them. The FIP establishes standards and requirements for managing the government's corporate identity. In 1998, Treasury Board ministers established nine additional FIP requirements aimed at strengthening the presence and visibility of the Government of Canada in all of its activities.

Each institution is responsible for managing its own corporate identity, in compliance with the FIP policy, and related Treasury Board decisions. This information and the FIP design standards are available at [Federal Identity Program Policy](#).

Ministers are required to write to the President of the Treasury Board on all matters related to establishing titles of institutions. Institutions must adopt an approved title (referred to as the "applied title") for their corporate signature and use this title consistently when identifying the institution, except when there is a specific requirement for the legal title. Ministers must also write to the President regarding government-wide use of special symbols, decisions on FIP symbols (flag symbol or Coat of Arms) in corporate signatures, and for exemptions from the FIP policy.

5.4.2 Stationery

The design of stationery for the offices of ministers is subject to FIP policy and design standards. The present design consists of a 40% screened black Coat of Arms, black text, and a black "Canada" wordmark with a red flag printed on white, recycled permanent paper. Further information is available at [Stationery: Ministers, parliamentary secretaries and their offices](#).

5.4.3 News releases and kit folders

Institutions must use the standard news release form and information kit folder. The Government of Canada's "no-frills" publishing guidelines call for streamlined government publishing and a common look for various communications products.

Part 6 — Travel

6.1 Introduction

A minister intending to travel in Canada outside the National Capital Region must obtain prior approval from the Prime Minister's Office after reporting the proposed destination and the nature of the event.

Ministers are excluded from the requirements to follow the terms of the National Joint Council's *Travel Directive*, as explained in the Treasury Board *Special Travel Authorities*.

Ministers should use the Public Works and Government Services Canada Government Travel Modernization Office / Shared Travel Services Initiative (GTMO/STSI) when booking travel related to departmental business, paid from departmental budgets, or when pre-paid tickets are needed (thereby benefiting from the government-negotiated discounted airfares and flight insurance). Private travel agencies may be used where such use results in direct savings to the taxpayer and/or indirect savings through more efficient travel that better meets scheduling requirements.

Ministers booking directly with carriers or a travel agency or agent can either claim reimbursement following each trip, or charge the authorized expenses to Departmental Travel Expense Cards (DTEC).

Ministers can use their Designated Travel Card (DTC) or their personal credit card and be reimbursed for funds expended or they may request an advance from their department for travel costs. Expenditures claimed, however, should reflect probity and prudence in conducting the affairs of the department or agency.

Information regarding advances, DTECs and DTCs, and other financial matters is available from the senior financial officer in each department. DTECs and DTCs are to be used for official government business only.

Ministers travelling for their constituency should use the House of Commons Members' Travel Service.

6.1.1 Travel expenses

Although ministers are excluded from the requirement to follow the National Joint Council *Travel Directive*, it is recommended that ministers refer to that document, since it provides good examples of expenditures that are considered appropriate for program-related business travel.

Ministers are required to post on their respective departmental websites all travel expenses incurred on program-related business. All travel expenses must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- the period covered by the trip and the places visited;

- transportation expenses; and
- other expenses (such as accommodation and meals).

All parliamentary secretaries and exempt staff of ministers are also required to post all travel expenses on their respective departmental websites (see section 6.1.3).

Travel expenses for ministers, parliamentary secretaries and ministers' staff on portfolio and program-related business include the following costs that are charged against the other operating budget of the minister (exceptions for international travel may apply; please refer to section 6.5.)

Transportation

- GTMO/STSI service costs (e.g. airline tickets);
- fees paid to commercial carriers;
- fees for the use of privately owned, government-owned, or rental vehicles;
- fees for the rental of trains, aircraft, or marine transportation; and
- other expenses for related services.

Other expenses

- accommodation;
- meals and incidental expenses;
- luggage insurance when not provided by the carrier;
- passport, visa, and required photo expenses;
- telephone calls, facsimiles, Internet connections, and messenger services;
- office services; and
- other travel-related services.

6.1.2 Reimbursement for travel expenses

Reimbursement procedures for the travel of ministers on departmental business is governed by a letter from the Minister of Finance dated December 5, 1963, that refers to Cabinet direction (included as Appendix C). Based on the document, ministers are asked to submit as their travel claims a signed statement that includes:

- the period covered by the trip and the places visited;
- transportation expenses; and
- other expenses (such as accommodation and meals).

This statement of expenses may be submitted on a monthly (rather than a per-trip) basis and must include the following certification, pursuant to section 34 of the *Financial Administration Act*:

"I certify that the foregoing expenditures have been incurred by me on official government business in [month] [year]." [minister's signature]

Along with their signed attestation, ministers are required to submit original receipts and supporting documentation for hospitality and travel reimbursements to appropriate departmental officials. Receipts under the control of government institutions are subject to Access to Information (ATI) legislation and thus obtainable through ATI requests.

The aforementioned 1963 letter also specifies that, where requested advances are greater than the actual costs incurred, the difference should be remitted to the department in the form of cash or a personal cheque made payable to the Receiver General for Canada.

6.1.3 Travel expenses—ministerial staff

When a minister requires a parliamentary secretary^[1], an exempt staff member, or a departmental staff member to travel on departmental business, reservations should be made via the GTMO/STSI and expenses shall be in accordance with the Treasury Board *Special Travel Authorities* and the National Joint Council *Travel Directive*, Rates and Allowances. Private travel agencies may be used where such use results in direct savings to the taxpayer and/or indirect savings through more efficient travel that better meets scheduling requirements. When travel has been booked directly with carriers or a travel agency or agent, claims for reimbursement can be made following each trip, or the authorized expenses can be charged to the Departmental Travel Expense Cards (DTEC). However, departments are not to be billed directly by the travel suppliers.

Travel expenditures are chargeable to the minister's other operating budget (exceptions for international travel may apply; please refer to section 6.5). They should be authorized by the minister or chief of staff (other than for his or her own travel) and reviewed by a senior financial officer.

Parliamentary secretaries and all ministers' departmental and exempt staff members that are required to travel on department-related business must post on the departmental website all travel expenses incurred. All travel expenses must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- the period covered by the trip and the places visited;
- transportation expenses; and
- other expenses (such as accommodation and meals).

When exempt staff members accompany a minister, the appropriate signature is necessary to upgrade travel to business class, in the event that the minister does not personally sign the travel authority.

Expenditures incurred by a chief of staff should be authorized by the minister or the minister's senior delegate for financial matters. Parliamentary secretaries, chiefs of staff, directors, and chiefs of staff to ministers of state have the same travel entitlements as the Executive Group at

the EX-02 level and above (refer to the *Special Travel Authorities*), except when accompanying the minister, in which case the air travel entitlement may be upgraded if so determined by the minister.

Separate claims should be submitted when a member of a minister's staff claims reimbursement for disbursements made on behalf of the minister and his or her own travel expenses. The former should be accounted for separately, included in any reports or ministerial travel expenses.

6.2 Executive vehicles for use by a minister

Unless a minister personally directs otherwise, the department provides a motor vehicle for the minister's official use on government, portfolio, or ministerial business and for personal use. Ministers of state are to be provided the same level of entitlement for motor vehicles as ministers receive.

6.2.1 Official use

Official use encompasses any use of the vehicle for the effective conduct of official business, including constituency business, for which travel would normally be reimbursed by the House of Commons. Official use includes, but is not necessarily limited to, the following:

- travel to and from a departmental office, the House of Commons, or any other place where business is transacted;
- travel to and from airports when proceeding on business travel or when meeting visiting dignitaries;
- travel to and from diplomatic or other social functions attended in the capacity of a minister;
- travel under any circumstances when, for personal protection, the presence of a security officer is required;
- transportation of classified material to, from, and between various work locations, including a minister's residence; and
- any other use that helps in the discharge of responsibilities as a minister of the Crown.

6.2.2 Personal use

Ministers are authorized to make personal use of the vehicles provided by their departments. Exempt and departmental staff, including the driver, are not authorized for personal use of an executive vehicle. The executive vehicle is also available to the minister's family and household for personal use whenever it is not required for official business. For *Income Tax Act* purposes, any use of an executive vehicle for anything other than official business generally constitutes a taxable benefit. In accordance with Subsection 5.3.3 of the *Directive on Fleet Vehicles: Light Duty Vehicles*, departments must ensure that a log book (or other appropriate utilization tool) is assigned to every vehicle in order to track utilization data.

The computation of the taxable benefit is based on a number of factors including amount of use and a standby charge. Details on the calculation of the taxable benefit are available from the

following Canada Revenue Agency interpretation bulletin. A deduction is made at source for the use of the vehicle.

6.2.3 Selecting an executive vehicle

The maximum price limit for the purchase of an executive vehicle is adjusted annually by the Treasury Board of Canada Secretariat. Information on the current maximum price limit can be obtained at Authorize Maximum Price.

Executive vehicles are to be acquired through procurement arrangements established by Public Works and Government Services Canada (PWGSC) as detailed in the Directive on Fleet Vehicles: Executive Vehicles, and the Directive on Fleet Vehicles: Light Duty Vehicles. The list of executive vehicles that can be purchased may be viewed at PWGSC's Government Motor Vehicle Ordering Guide. It is important that departments consult with PWGSC headquarters before making any decision on the purchase of executive vehicles. For insurance purposes, departments must also inform PWGSC headquarters when they take possession of an executive vehicle or when such vehicle is transferred to another department. It should be noted that vehicle leases must be avoided.

6.2.4 Maintaining executive vehicles

Ministers and their successors who acquire vehicles are expected to continue using a vehicle over its useful life. If a minister's vehicle becomes surplus to requirements before its useful life is over, arrangements can be made for the vehicle to be redeployed through PWGSC. A vehicle should not be disposed of outside the federal government when there are other eligible executives in need of it.

All the costs of operating and maintaining the motor vehicle are borne by the department, not ministers' budgets. However, no public funds shall be used to pay fines for traffic violations, including parking violations. To ensure that the taxable benefit portion of operating executive vehicles is uniformly calculated, the Treasury Board requires the department to record all information about usage and operating costs in a systematic manner.

Like all other government vehicles, those used by ministers are expected to be registered with a private-sector fleet management company for fuel, maintenance, and repair. This is generally the same company that is used for the departmental fleet. A "fleet" card is provided and should be used to pay for all required fuel, repairs, and maintenance for the vehicle. The use of the card allows automatic capture of vehicle data in the departmental fleet database. PWGSC has awarded a standing offer to a fleet management company, and details on the services offered can be viewed at PWGSC's Government Motor Vehicle Ordering Guide and by accessing Fleet Management Support Services. Notwithstanding the normal government practice to self-underwrite government vehicles, all executive vehicles shall be fully insured commercially. PWGSC is responsible for the purchase and administration of the proper insurance coverage. It pays up front for the coverage and invoices the appropriate departments accordingly on an annual basis. It is important that departments provide PWGSC headquarters with an up to date

list of names of those who drive executive vehicles and ensure adequate insurance coverage of these individuals at all times.

Further information on insurance can be found in section 5.5 of the Directive on Fleet Management: Executive Vehicles.

6.3 Air travel

Ministers and ministers of state, with the written agreement of the Prime Minister's Office and with the approval of the Minister of National Defence, may travel on National Defence (DND) flights without charge and, under certain circumstances, may use administrative fleet aircraft provided by DND. Executive aircraft should be used only in cases where commercial air service is not available or suitable. These aircraft are to be used only when the purpose of the trip is to carry out ministerial or departmental business. National Defence *Guidelines (Appendix B) for the Use of Government Administrative Aircraft* give full details on executive flights and how to arrange for them.

Ministers, officials, and other authorized personnel will not be charged for flights on DND Administrative Flight Services Challenger aircraft that are used for departmental or Government of Canada business. Information on these guidelines is available from DND.

Ministers and ministers of state, with the written agreement of the Prime Minister's Office and with the approval of the Minister of Transport, Infrastructure and Communities may also travel on Transport Canada aircraft without charge. These aircraft are to be used only when the purpose of the trip is to carry out ministerial or departmental business.

When people who travel commercially on government business qualify for financial benefits offered by airlines arising from travel, such as free tickets or compensation for rescheduled flights offered by airlines, these benefits are the property of the Crown. With respect to loyalty points such as Air Miles, the National Joint Council (NJC) Travel Directive has been extended to ministers and their exempt staff. Under the Directive, loyalty points collected during official government travel can be used for business or personal travel. When used for personal travel, they are a taxable benefit. For further information, see Loyalty and other points programs.

Ministers, parliamentary secretaries, their family members and exempt staff may be restricted from travel on non-commercial chartered or private aircraft. Please refer to the Conflict of Interest Act for details.

First-class air travel for ministers has been restricted as a result of the February 1992 budget, as one of the initiatives to reduce government spending. Economy or business class should be selected within the continental United States and Canada.

For overseas flights, first-class travel may be selected in limited circumstances, such as when ministers are obliged to conduct business shortly after deplaning, when there is no business class service on a given flight, for air travel in excess of nine hours, or for specific medical reasons.

Budget 2009 (under "Stronger Departmental Management" in Chapter 4) contained some further restrictions for air travel for ministers and their staff: "...business class travel will no longer be allowed on any flight that is less than two hours for ministers, their staff, and....". This also applies to ministers of state.

6.4 Rail travel

Ministers may use the free railway travel afforded all members of Parliament and their families.

6.5 International travel (government business)

When considering travel arrangements abroad, ministers must seek the approval of the Prime Minister's Office. They must also consult with the Minister of Foreign Affairs on the foreign policy aspects.

The Prime Minister's Office, acting on behalf of the Prime Minister, will authorize the travel, as appropriate, bearing in mind government priorities and other ministerial absences from Ottawa. No trip should be planned or in any way confirmed until it has been cleared through the Prime Minister's Office.

Once the trip is approved, procedural and substantive arrangements for the visit, including contact with host governments and program development, must be made through the Minister of Foreign Affairs and International Trade Canada.

Costs for international travel incurred by ministers, parliamentary secretaries, and ministers' staff, where the travel is required for departmental operational or program purposes only, may be charged to a special fund centre, created from existing reference levels, within the minister's department or agency. All such are to be publicly disclosed under the normal requirements of proactive disclosure.

6.6 International travel (private)

When considering foreign private travel, ministers should, well before departure, inform the Minister of Foreign Affairs in writing so that the department can advise them about any issues that could complicate their visit. This practice applies especially for countries that are designated by Canada as requiring special consideration or security precautions.

6.7 Ministers' spouses

When the spouse of a minister accompanies that minister on official government business, such travel must be pre-authorized by the Prime Minister's Office and only if the attendance of the spouse at an official function is essential for reasons of protocol. During such events, the spouse is to act as host or hostess, or the spouse is to assist the minister in the conduct of his or her responsibilities.

Travel expenses incurred by spouses on official government business will be reimbursed by the sponsoring department(s) in accordance with the provisions of the National Joint Council's *Travel Directive*, unless there is another exception authority in place to provide entitlements over and above this directive.

Ministers, at their discretion, may be accompanied by their spouses on government-owned or operated aircraft. There is no charge for the spouse's flight.

As indicated in Canada Revenue Agency's Interpretation Bulletin IT 470R (Consolidated), these reimbursements may be taxable, depending on the circumstances.

6.8 Travel by members of the House of Commons with or on behalf of a minister

Where a member of the House of Commons is travelling either with or on behalf of a minister on departmental business, subject to approval by the minister, these costs may be charged to the department. In accordance with the *Special Travel Authorities*, when members of Parliament travel on such departmental business, their travel expenses are governed by the NJC *Travel Directive*, specifically the provisions for "travellers," but such travel is subject to trip approval by the Governor in Council of an order in council submitted to the Privy Council Office, upon request by a minister^[2]. In addition, all such travel must be disclosed in accordance with proactive disclosure requirements.

Part 7 — Contracting

7.1 Introduction

Ministers operate in two distinct environments, each with separate budgets (sources of funds) and legislative and policy frameworks. Specifically, requirements for offices and budgets of MPs are subject to special provisions under the *Parliament Act*; ministerial offices are subject to the *Financial Administration Act*, its regulations, and Treasury Board policies.

This includes ensuring that the *Government Contracts Regulations* are respected and that *Financial Administration Act* requirements are met. These include section 32 of the Act (making a commitment that the funds to pay for the work to be undertaken are available), section 33 (that all the necessary verification has taken place to ensure a payment is valid), and section 34 (that the work was performed in accordance with the contract).

Ministers' staff is encouraged to consult their departmental procurement specialists when making procurements. The complete text of the *Contracting Policy* is available on the Treasury Board Secretariat's website.

7.1.1 Treasury Board Contracting Policy

The *Contracting Policy* is based not only on ensuring that the services and products needed to deliver an office's responsibilities are delivered, but also on demonstrating fairness, openness, and obtaining best value in the spending of taxpayers' money. Key legislative, regulatory, and policy provisions govern government contracting activities. Government contracting must ensure prudence and probity, ensure the pre-eminence of operational requirements, and when possible support long-term industrial and regional development, as well as any other national objectives.

The *Government Contracts Regulations* require the solicitation of bids except where:

1. the need is one of pressing emergency in which delay would be injurious to the public interest;
2. the estimated contract expenditure is below \$25,000;
3. the nature of the work is such that it would not be in the public interest to solicit bids; or
4. only one supplier can do the work.

As well, the government is signatory to three trade agreements that affect government procurement and these establish thresholds for various types of procurement:

1. the North American Free Trade Agreement (NAFTA), Chapter Ten;
2. the World Trade Organization Agreement on Government Procurement (WTO-AGP); and
3. the Agreement on Internal Trade (AIT), Chapter Five.

The *Government Contracts Regulations* are found in Appendix B of the *Contracting Policy*. References and links to the trade agreements are provided throughout the policy. In addition to

outlining key policy aspects of tendering, the policy also sets limits on a department's authority to contract without first seeking Treasury Board approval.

Contracting authorities must not split contracts or contract amendments in order to avoid obtaining either the approval required by statute and the *Contracting Policy* or appropriate management approval within the department or agency.

7.2 Employer-employee relationships

Except for those contracts of employment that are exempted pursuant to section 128 of the *Public Service Employment Act*, ministers shall not enter into contracts for the services of individuals when the terms of the contract or the actual work situation would result in an employer-employee relationship. Before entering into a contract, ministers should seek the advice of their departmental legal advisor and procurement specialist to ensure that there is no potential employer-employee relationship in the contract. For guidance in assessing an employer-employee relationship:

- consult Canada Revenue Agency's publications, e.g. "Employee or Self-Employed," publication number RC4110;
- refer to sections 16.2 and 16.3 of the *Contracting Policy*; or
- seek legal advice from the Department of Justice Canada where it is not feasible for officials to determine whether a contract is a contract for services or a contract of employment in situations where employment status is not easily identifiable.

7.3 Fee guidelines

There are no specific fee guidelines for contracts, which can be established through a variety of mechanisms. Information can be obtained from departmental specialists or PWGSC. When there is no competition, the onus is on the contractor to prove that any fees charged to the government are comparable or similar to those charged to or obtained from the private sector for comparable or similar work. Contracts may also contain standard terms and conditions identifying an audit provision. Appendix J of the Treasury Board *Contracting Policy*—Selection process and establishment of fees for consulting and professional services—can be found at *Contracting Policy*.

7.4 Former government officials

Contracts for the services of former government officials must be able to stand up to the closest public scrutiny. No contract for the services of a former official shall be entered into unless the individual minister is satisfied that it would be in the public interest to do so. Potential contractors may be subject to either the *Conflict of Interest Act* or the *Values and Ethics Code for the Public Service*. Other considerations of a general nature are discussed in the *Contracting Policy* (section 16.8, Appendix B).

7.5 Temporary help services

Government policy is that employees of temporary help agencies are to be used only in those situations where it is not feasible to assign exempt staff, departmental employees, or other Public Service employees. Temporary services are normally engaged when there is a short-term vacancy, when an exempt staff member or Public Service employee is absent for a short period, or when there is a temporary increase in workload for which staff is not available. Ministers must try to meet their short-term needs with existing staff or term appointments.

When contracting for temporary help services (administrative support and other categories), contracting authorities should give consideration to obtaining these services directly from companies with which PWGSC has entered into temporary help standing offers. Contracting authorities have the option of acquiring temporary help through a standing offer issued by PWGSC or by dealing directly by means of a separate departmental standing offer or a contract with other suppliers. Further information on the existence of temporary help standing offers may be obtained from PWGSC.

It should be noted that contract splitting is unacceptable and forbidden. Separate contracts should be entered into with temporary help firms each time a call-up is made against a standing offer for temporary help services.

Contracts for temporary help may pose the risk of creating employer-employee relationships; these must be avoided, as stated in section 7.2.

Additional information on temporary help services can be found in Appendix I of the *Contracting Policy*—Temporary Help Services.

7.6 Proactive disclosure of contracts over \$10,000

On March 23, 2004, the government announced a new policy on the mandatory publication of contracts over \$10,000, in order to enhance the role of Parliament and increase transparency so that Canadians are better able to hold Parliament and public sector officials to account.

The new requirement consists of the disclosure of procurement contracts for goods and services dating back to April 1, 2004, for federal departments and agencies listed in schedules I, I.1, and II of the *Financial Administration Act* (FAA). Ministers' offices are subject to the FAA, its regulations, and Treasury Board policies.

Departments and agencies listed in schedules I, I.1, and II of the FAA are required to report the data on their websites (even where PWGSC has issued the contract on their behalf), within 30 days of the end of each fiscal period and to update it every three months. The contract information reported must include the vendor's name, the number used in the financial system, contract date, description of work, contract period for services, delivery date of goods, and contract value.

Please note that information that would normally be withheld under the *Access to Information Act* and the *Privacy Act* does not appear on this website. Contracts such as those relating to national security or law enforcement are exempt from the reporting requirement.

Ministerial staff is encouraged to discuss the requirements for proactive disclosure with departmental contracting officials. For more information on the posting of contract information on-line, please see the Treasury Board of Canada Secretariat's website on Proactive Disclosure.

Part 8 — Services and Hospitality

8.1 Parking

A minister's vehicle, being the property of the Crown, is allotted a parking space at the minister's office.

All exempt staff members must pay for their parking in government parking areas at the same rates paid by Public Service employees.

8.2 Relocation

8.2.1 Relocation

A minister may, at his or her discretion, reimburse the relocation expenses of appointees who accept employment as exempt staff at the EX-02 equivalent and above. Any benefits are negotiated between the minister and the individual. Any negotiated relocation assistance for those individuals is to be paid from the minister's own other operating budget. Relocation assistance may be up to the full provisions of the NJC Relocation Directive.

A third-party service provider provides professional relocation assistance, which is co-ordinated through each departmental national co-ordinator, who should be the first point of contact for any relocation inquiries or assistance. The letter of offer or other correspondence to be placed on the appointee's file should clearly state the specific relocation expenses to be reimbursed to the appointee, including a provision for the pro-rated recovery of expenses for early voluntary termination of employment, consistent with Treasury Board policies. There are no provisions for reimbursing relocation expenses on completion of employment. No relocation expense should be incurred by the appointee prior to obtaining formal authorization.

8.3 Hospitality and gifts

8.3.1 Hospitality—ministers

While events that a minister hosts personally are exempt from the Directive on the Management of Expenditures on Travel, Hospitality and Conferences, the guidelines set out in the directive are appropriate to hospitality extended on behalf of the government. These guidelines list the appropriate occasions, the various forms of hospitality, and the types of facilities that should preferably be government-owned, but that must never be commercial facilities that engage in discrimination practices.

Because it might seem that ministers benefit personally from hospitality functions, they should be aware that high standards are expected of them. They should avoid giving the slightest impression of using public funds and facilities for anything other than purely official purposes.

8.3.1.1 Accounting

When seeking reimbursement for hospitality expenditures, ministers must make a statement that includes the following sentence:

"I certify that the foregoing expenditures have been incurred by me on official business in [month] [year]."

[minister's signature]

This certification is pursuant to section 34 of the *Financial Administration Act*.

Along with their signed attestation, ministers are required to submit original receipts and supporting documentation for hospitality and travel reimbursements to appropriate departmental officials. Receipts under the control of government institutions are subject to Access to Information (ATI) legislation and thus obtainable through ATI requests.

Ministers are required to post all hospitality expenses on their departmental website. These must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- the total amount of hospitality incurred; and
- the establishment or restaurant where the hospitality occurred.

All parliamentary secretaries and exempt staff members of ministers are also required to post all hospitality expenses on the departmental website (see section 8.3.2).

Ministers should maintain complete records of each hospitality occasion so that they can respond to any questions that may arise later.

8.3.2 Hospitality—ministers' staff

There may be instances when a minister requires a parliamentary secretary³ or staff member to extend hospitality on behalf of the minister or department. Such hospitality may be necessary because it will economically facilitate the business of the department or agency or because it is considered essential as a matter of courtesy or protocol. In these instances, such hospitality shall be extended in accordance with the *Directive on the Management of Expenditures on Travel, Hospitality and Conferences* and all the requirements for documentation shall be met. Claims for reimbursement should be approved by the chief of staff or minister, as appropriate.

Separate claims should be submitted when a member of a minister's staff claims reimbursement for his or her own hospitality expenses and for hospitality disbursements made on behalf of the minister. The latter should be accounted for separately, included in any reports of ministerial office expenses, and accompanied by the ministerial certification.

Parliamentary secretaries and ministers' exempt staff are also required to post all hospitality expenses on their departmental website. These must be posted on a quarterly basis within 30 days following the last day of the quarter and must include the following information:

- the name of the staff or exempt staff member who provided the hospitality;
- the total amount of hospitality incurred; and
- the establishment or restaurant where the hospitality occurred.

8.3.3 Gifts, hospitality, or other benefits received

There may be restrictions on ministers, parliamentary secretaries, and exempt staff receiving gifts, hospitality, or other benefits. For details, please consult the *Conflict of Interest Act*.

8.3.4 Gifts given

It has been government practice that official gifts and mementoes are presented only on occasions where:

- they further international relations;
- official hospitality abroad is involved; or
- foreign visitors or delegations are hosted in Canada.

Whenever any of these circumstances arise, minister's staff should contact the Gift Bank, which is operated by the State Ceremonials Directorate of Canadian Heritage. The Gift Bank also ensures that official gifts are distinctively Canadian. Appropriate gifts include contemporary arts and crafts or items representative of Canadian culture, arts, and cultural products or Canadian manufacturing. The Gift Bank can provide advice on appropriate types of gifts and will ensure that official gifts are of a value suitable to the status of the recipient.

If a gift other than one from the Gift Bank is being considered, and as a last recourse and under exceptional circumstances, certain authorities may be needed. These may include the authority to make the acquisition of the gift a legitimate expenditure of public funds, and the authority to transfer the gift. A submission to the Treasury Board for a recommendation to the Governor in Council may be required to secure such authorities.

8.4 Memberships

In accordance with the Treasury Board *Membership Fees Policy*, part of employee entitlements, the department or agency may reimburse ministers' exempt staff for memberships and registrations. Memberships are limited to departmental requirements and should be held in the department's name whenever possible. Memberships that are not a legal requirement of the position and whose main purpose is to increase the public's contact with departmental operations should be authorized only in the most exceptional circumstances, at the discretion of the minister. The reasons justifying these memberships must be beyond question, particularly when they include social or recreational facilities, considering exempt staff may have specific requirements in the course of their political duties that are distinct and separate from departmental requirements.

8.5 International conferences

Participation in major international government conferences headed by a minister should be limited to a delegation of eight Canadian representatives, where possible. These eight include the minister's staff, but not essential technical personnel.

The deputy minister of Foreign Affairs should be advised of delegations where representation may include more than one department, in order to co-ordinate the overall Canadian representation.

The lead departmental minister heading the delegation has the final decision as to the number of representatives.

8.6 Legal services

Under the *Government Contracts Regulations*, contracts to perform legal services may be entered into only by or under the authority of the Minister of Justice.

8.6.1 Indemnification and legal assistance

This protection is currently identical to those covering Crown servants, as set out in the *Policy on Legal Assistance and Indemnification*. Ministers and their exempt staff will be entitled to indemnification against personal civil liability and will be eligible for legal assistance, provided they meet basic policy requirements, which are to have acted honestly and without malice within the scope of their duties and met reasonable expectations. This need may arise from any act or omission of the minister or exempt staff member in the conduct of portfolio or other official government business.

Part 9 — Official Languages

9.1 Official languages

Ministers, as well as their staff, must act in accordance with the prescriptions and requirements of the legislative, policy, and program framework described here. Provisions and requirements applicable to ministers' parliamentary, departmental, and constituency offices respectively can differ.

9.2 Background

The *Canadian Charter of Rights and Freedoms* states that English and French are the official languages of Canada and have equal rights and privileges in all institutions of Parliament and government and sets out several other provisions on official languages.

The *Official Languages Act* (1988) gives effect to the Charter provisions on English and French as official languages. The Act and the *Official Languages (Communications with and Services to the Public) Regulations* govern the provision of service to the public in both official languages. There are also policies concerning the application of the Act and Regulations, as well as mechanisms in support of the Official Languages Program, most notably access to language training and the provision of translation and interpretation services.

Together, the Act and Regulations set out the circumstances in which communication with the public is to take place and services are to be provided in either official language, as the public chooses.

Section 22 of the *Official Languages Act* applies to those offices of ministers located in the National Capital Region (NCR). The Regulations apply to those offices that are not located in the NCR. The Directory of Offices and Service Points (BUROLIS) identifies all offices and service points obligated to provide services and communications in both official languages.

Also, employees of federal institutions have the right to work in the official language of their choice in regions designated bilingual for that purpose when they are not serving the public, if their position is bilingual or unilingual in their own language.

The Government of Canada is committed to achieving, with due regard to the merit principle, equitable participation, as well as equal opportunities for employment and advancement of English-speaking and French-speaking Canadians in federal institutions.

Each institution that is subject to the Act is responsible for its implementation within its area of responsibility.

The Treasury Board Secretariat is responsible for general direction and co-ordination regarding the Act's requirements of service to the public, language of work, and equitable participation in all institutions subject to the *Official Languages Act*. The Senate, the House of Commons, and the Library of Parliament are subject to the Act, but are not required to follow Treasury Board

Secretariat policies on official languages and are not accountable to Treasury Board Secretariat for their performance.

9.3 Service to the public

Ministers' offices located in the NCR must have the capacity to communicate with and serve the public in both official languages. This obligation must effectively be discharged in all aspects of their interface with the public, whether written or oral. Ministers' offices must therefore have enough qualified staff to meet these requirements, which range from simple bilingual reception, in person or on the telephone, to the ability to deal with the public on substantive issues in both official languages.

9.4 Language of work

The NCR is one of the regions designated as bilingual for language of work. In ministers' offices that are located in the NCR, a work environment must be created that allows employees to use the official language of their choice when they are not serving the public. This must be reflected in the conduct and character of meetings, in the acceptance of documents and presentations in either official language, and in the issuing of instructions. Employees occupying bilingual positions or positions requiring the use of either English or French exclusively must be supervised or have supervision available to them in the language(s) of the position(s) supervised so that employees can speak and write in the official language of their choice.

9.5 Equitable participation

The *Official Languages Act* commits the federal government to ensuring that English-speaking and French-speaking Canadians have equal opportunities for employment and advancement within federal institutions without regard to their ethnic origin or their first language. The composition of the workforce of federal institutions should therefore reflect the presence of both linguistic communities. Ministers' offices should take these principles into account when establishing the composition of the personnel that will enable them to meet their needs and the office's obligations as regards service to the public and language of work.

9.6 Support mechanisms

Ministers' exempt staff should consult the deputy head of their respective department for additional general information on official languages. Departments have a director of official languages or another official responsible for official languages. This person can answer specific questions on departmental official languages programs, policies, and issues.

There are support mechanisms to help meet official-language requirements in federal institutions, including language training and translation services. There are Treasury Board policies on determining the language requirements of positions and the staffing of bilingual positions. Language training can be made available to ministers and their staff to enable those who require knowledge of both official languages to perform their duties. Translation and interpretation services are also available. These services, language training (when required of the position) and

translation and interpretation services are funded through departmental operating budgets. Language training for positions not designated bilingual may be authorized at the discretion of the minister and is to be funded from the minister's operating budget.

Part 10 — Information Management

10.1 Information management

Ministers will usually have papers in their offices that fall into four general categories: Cabinet documents, institutional records, ministerial records (as defined in section 2 of the *National Archives Act*), and personal and political records. Each of these categories has its own set of considerations under the *Access to Information Act*, the *Privacy Act*, and the *Canada Evidence Act*.

Ministers should maintain separate information systems for Cabinet documents, institutional records, ministerial records, and personal and political records. Ministerial records must be transferred from the office of the minister to Library and Archives Canada in accordance with schedules approved by the Librarian and Archivist of Canada. Deputy ministers should advise ministers and their staff on these matters. The Treasury Board policy can be accessed at [Policy on Information Management](#). Advice can also be obtained from the Government Records Branch at Library and Archives Canada, which publishes the *Guidelines for Managing Recorded Information in a Minister's Office*. Library and Archives Canada also publishes *Multi-Institutional Disposition Authorities and Retention Guidelines*.

Special precautions must be taken to guarantee the security of Cabinet documents, in accordance with procedures established by the Privy Council Office on the Prime Minister's behalf. Most importantly, when a Cabinet item has been dealt with, the associated Cabinet documents must be returned to the Privy Council Office. Successive prime ministers have also agreed that the Clerk of the Privy Council, with deputy ministers, will ensure that Confidences of the Queen's Privy Council for Canada contained in records left in government custody by Cabinet ministers will be protected from access by successive governments.

Ministers and their staff are also advised to refer to Annex C of *Accountable Government*.

10.1.1 Information technologies

Guidelines for the use of information technologies, such as e-mail, the Internet, social media and local area networks, are evolving within the Public Service. Ministers and their exempt staff should seek guidance on their use from the appropriate departmental officials. Ministers and their staff should consider electronic recorded information as identical to physical recorded information such as prints, photographs and documents.

In designing information systems, ministers must provide for the proper processing, handling, and storage of classified and other sensitive information. Advice and assistance on meeting government-wide standards for physical, communications, and electronic data processing security is available from the departmental security officer.

10.1.2 Leaving office

Ministers and their exempt staff have a responsibility to ensure that all Cabinet documents and official records are left in the custody of appropriate authorities. On leaving office, ministers must use the secure storage facilities and archival services offered by Library and Archives Canada for their personal and political papers. They should also take steps to remind individuals leaving their jobs of their continuing responsibilities to maintain the confidentiality of the sensitive information to which they have had access, cancel all their authorities (e.g. access authorities, keys, and locks), and return all sensitive information to the appropriate authority. The designated security official in the minister's office should terminate employment in person, and the process should be formally documented.

10.2 The *Access to Information Act* and the *Privacy Act*

10.2.1 Background

The *Access to Information Act* gives the public the right of access to information in records controlled by government institutions. A minister's office is considered separate and distinct from the government institution; thus, ministers and their exempt staff are not considered employees or officers of the institution. This interpretation is being examined in light of a recent decision by the Federal Court of Canada. The impact of this judgment is still being assessed and the question of whether or not the Act applies to ministerial records has yet to be resolved. Prior to making decisions on the disclosure of any records (including expense claims of ministers and their exempt staff), ministers' offices should consult with their institution's legal services unit.

Access to information is the public's right. Subject to the *Access to Information Act*, every Canadian citizen and permanent resident "has a right to and shall, on request, be given access to any record under the control of a government institution."

All ministers have delegated their responsibilities under the *Access to Information Act* to specifically named public servants. These individuals are responsible for all decisions made under the Act. No political staff member has received a delegation of authority under the *Act* and therefore no political staff member has authority to make access to information decisions.

It is permissible for political staff members to receive advance notice of the release of records so that they can anticipate the disclosure, brief their ministers and prepare for media and Opposition questions, however, it is impermissible to counsel a public servant to delay giving access, to withhold a document or to deny access.

The *Access to Information Act* is based on two principles:

- government information should be available to the public; and
- necessary exceptions should be limited and specified by law.

The *Access to Information Act* complements the *Privacy Act*.

The *Privacy Act* governs the use, disclosure, collection, retention, and disposal of personal information and expands previous statutory protection of personal information held by a

government institution. The *Privacy Act* gives individuals the right of access to information about themselves that is held by a government institution. While the offices of ministers are not considered to be part of a "government institution" for the purposes of the *Privacy Act*, the following principles should nevertheless govern those offices:

1. information should be used or disclosed only for a purpose consistent with the purpose for which it was obtained, unless the individual concerned consents to the new use or disclosure, or the disclosure is required by law;
2. to personal information should be strictly limited to individuals who have a legitimate need to know;
3. security safeguards shall be put in place and maintained to protect personal information from unauthorized disclosure; and
4. information that is no longer needed should be disposed of unless its retention is required by law.

Records relating to ministers and exempt staff that are located in an institution may contain personal information that must be protected under the *Access to Information Act* and the *Privacy Act*. Such records should not be disclosed unless in accordance with these acts.

Expense claim records about ministers and exempt staff

All travel and hospitality expenses for ministers, parliamentary secretaries, and exempt staff are to be published on institutional websites to promote transparency and to facilitate public access.

Ministers' offices are required to disclose hospitality and travel expenses publicly, through departmental websites. Reports cover a 90-day period, and ministers and their offices must report within 30 days of the end of the period being reported. This policy also applies to parliamentary secretaries.

Other records about expense claims of ministers and their exempt staff may contain personal information that must be protected under the *Access to Information Act*, unless consent to disclose is received from the individual(s). In view of jurisprudence that supports this position, the Secretariat issued Implementation Report No. 78, dated March 30, 2001 and Information Notice No. 2002-2004, dated March 18, 2002 to provide guidance concerning this matter. Copies of these archived documents can be obtained by contacting Treasury Board Secretariat's Information and Privacy Directorate at ippd-dpiprp@tbs-sct.gc.ca or 613 946-4945. As well, in March 2002, the Secretary of the Treasury Board wrote concerning this matter to his counterparts at all institutions subject to the *Access to Information Act*. All three documents outline the government's position on records relating to ministers and their exempt staff and inform institutions that records relating to expense claims of ministers and their exempt staff may contain personal information, as well as that other information might require protection under another exemption provision, and recommend that institutions take reasonable steps to seek consent for the disclosure of such records directly from the individual concerned.

Canada Evidence Act

The amendments to the *Canada Evidence Act*, known as Specified Public Interest rules, apply to the disclosure of records in instances where a court of law seeks information from the government that is relevant to a case.

10.2.2 Monitoring disclosure

Decisions on disclosing government information under the *Access to Information Act* and the *Privacy Act* can be reviewed independently of the government. Depending upon the applicable legislation, either the Information Commissioner or the Privacy Commissioner conducts the first level of review. The Federal Court, Trial Division, conducts the next level of review, and cases can be brought before the Federal Court of Appeal and, ultimately, the Supreme Court of Canada.

Within a department or an agency subject to the legislation, a designated departmental co-ordinator administers one or both acts. This officer receives requests from the public, advises the minister and departmental officials about what should or should not be released, and ensures that a response is prepared. The co-ordinator also ensures that personal information is protected, as required by the *Privacy Act*. In addition, departmental legal services provide legal expertise on access and privacy matters.

Both acts specifically recognize the rights of access of individuals with sensory disabilities.

The following suggestions are designed to help ministers meet the requirements of this legislation:

- assign a single senior contact within the minister's office who is knowledgeable about the acts and their impact on departmental operations, and who can deal directly with the departmental co-ordinator regarding ministerial records;
- keep institutional records segregated from personal and political records and put in place the conventions set out in this document, especially the accounting procedures;
- review delegation orders under the acts to ensure that the specific powers, duties, and functions are set out and delegated to the appropriate level;
- ensure that appropriate reporting on the nature and progress of access requests is in place in the department; and
- support sound departmental information management practices.

10.2.3 Cabinet confidences

The *Access to Information Act* and the *Privacy Act* do not apply to records that fall under the category of Confidences of the Queen's Privy Council for Canada. Confidences of the Queen's Privy Council for Canada are generally excluded for 20 years, while discussion papers are excluded for up to four years. When an access request involves Cabinet confidences, ministers

must consult the Privy Council Office before responding. The deputy minister or access to information co-ordinator in each department can arrange this consultation.

Part 11 — Approval and Consultation

11.1 Approval and consultation

Where these policies refer to approval by, or consultation with, the Prime Minister's Office, such approval or consultation shall be by or with the Prime Minister's chief of staff or an official designated by the chief of staff in writing.

Appendix A: Exempt Staff Position Structure

Chief of Staff (EX-02, EX-03, or EX-04)

- is the most senior political advisor to the minister;
- is responsible for the overall management of the minister's office, including managing the office budget and staff;
- is responsible for developing and implementing strategic plans in order to assist in delivering the department and minister's mandate;
- is responsible, on behalf of the minister, for liaising with senior departmental officials in order to ensure a positive working relationship between the minister and the Public Service;
- must ensure that the minister is properly briefed and advised on all issues that relate to the government's mandate and the department's objectives; and
- must liaise, on behalf of the minister, with the Prime Minister's Office and other ministers' chiefs of staff in order to address government-wide issues.

Director of Policy (EX-02)

- is responsible, in collaboration with the department, for overseeing policy development on behalf of the minister;
- is also responsible for advising and briefing the minister on all relevant policy issues;
- needs to work closely with the Prime Minister's Office and other ministers' offices in order to co-ordinate the development of policies and programs within the government;
- must ensure that policy development within the minister's responsibilities is consistent with the broad policy goals of the government, as laid out in key documents, such as the Speech from the Throne and the budget;
- should work closely with the department to ensure that policies and policy development are consistent with the minister's objectives and the government's mandate; and
- should liaise with key stakeholders in order to inform or consult on important policy initiatives within the minister's purview.

Director of Communications (EX-02)

- is responsible for providing strategic planning and communications advice to the minister;
- is also responsible for leading comprehensive communications plans on behalf of the minister;

- must consult regularly with the Prime Minister's Office in order to better co-ordinate government-wide communications;
- should oversee, and co-ordinate with the department, the development of communications initiatives to ensure that they are consistent with the minister's objectives and the government's mandate;
- establishes and maintains a professional relationship with the media; and
- is the leading official spokesperson for the minister; at the behest of the director of communications, the role of spokesperson to the minister may be assigned to other exempt staff members.

Director of Parliamentary Affairs (EX-02)

- is responsible for advising and briefing the minister on all legislative issues;
- is responsible, on behalf of the minister, for overseeing all phases of the legislative approval process from the development of legislation within the department to Royal Assent;
- is the point person within the minister's office for implementing the government's parliamentary reform initiative, which includes consulting committee members on proposed legislation;
- is responsible for liaising with caucus and the office of the minister's parliamentary secretary to discuss the department's legislative agenda;
- must liaise with the Prime Minister's Office, other ministers' offices, and caucus members to ensure co-ordination of government-wide legislative issues; and
- must work closely with the director of policy to ensure consistency between policy and legislative initiatives.

Press Secretary (AS-08)

- is responsible, working under the direction of the director of communications, for providing strategic planning and communications advice to the minister on departmental issues;
- is responsible, working under the direction of the director of communications and in collaboration with the department, for communications products on specific issues;
- is responsible for managing media inquiries for the minister;
- is also responsible for advising and briefing the minister on relevant media relations issues;
- should work closely with the department to ensure that communications products are consistent with the minister's objectives and the government's mandate;
- establishes and maintains a professional relationship with the media; and
- may be designated by the director of communications as the leading official spokesperson, for the minister.

Policy Advisor (AS-08)

- is responsible, working under the director of policy and in collaboration with the department, for policy reviews on specific issues;
- is also responsible for advising and briefing the minister on relevant policy issues;
- needs to work closely with the Prime Minister's Office and other ministers' offices in order to co-ordinate the development of policies and programs within the government;
- must ensure that policy development within the minister's responsibilities is consistent with the broad policy goals of the government, as laid out in key documents, such as the Speech from the Throne and the budget;
- should work closely with the department to ensure that policies and policy development are consistent with the minister's objectives and the government's mandate; and
- should liaise with key stakeholders in order to inform and/or consult on important policy initiatives within the minister's purview.

Senior Special Assistant (AS-07)

- provides political advice and support on particular policy issues, communications, and parliamentary affairs at a greater level of complexity and responsibility than special assistant; and
- provides political advice and assistance in relation to regional responsibilities.

Special Assistant, Communications (AS-05)

- is responsible for providing communications support to the minister and director of communications;
- is responsible for overseeing the timely development of communications products by the department, such as press releases and speeches;
- must consult, in collaboration with the director of communications, with other ministers' offices in order to better co-ordinate government-wide communications;
- establishes and maintains a positive relationship with the media; and
- may report to the director of communications.

Special Assistant, Parliamentary Affairs (AS-05)

- provides general support to the minister and the director of parliamentary affairs;
- is responsible for briefing and preparing the minister for Question Period;

- assists the director of parliamentary affairs in implementing the government's Parliamentary Reform Initiative;
- liaises with caucus and the office of the minister's parliamentary secretary to discuss the department's legislative agenda;
- liaises, in collaboration with the director of parliamentary affairs, with the other ministers' offices and caucus members to ensure co-ordination of government-wide legislative issues; and
- may report to the director of parliamentary affairs.

Special Assistant, Regional Affairs / Regional Desk (AS-05)

- is responsible for providing political advice and support to the minister for an assigned specific province or region of the country;
- will liaise extensively with caucus members within their province or region of responsibility in order to advise and consult them on departmental policies and programs;
- is responsible for liaising with stakeholders within their province/region of responsibility to ensure a thorough understanding of departmental policies and programs;
- is responsible for all logistical, travel, and advance operations when the minister travels in the province or region of the assistant's responsibility; and
- under the guidance of the director of policy, may be required to manage policy files, especially files with a provincial or regional focus.

Minister's Private Secretary (AS-06)

- provides the primary liaison and communications links between the minister and his or her staff, deputy minister, other ministers, and outside government;
- manages the minister's schedule in a constant state of changing priorities and high pressure; assesses the need for meetings and manages the planning, preparation, and logistics of appointments, meetings, speaking engagements, and other functions to be attended by the minister;
- assesses the priority of incoming and outgoing material to ensure the minister receives accurate and relevant information on a timely and often urgent basis;
- maintains an understanding of an extensive range of current and emerging government-wide issues and an extensive and effective network of contacts within and external to government; and
- provides timely and quality responses to internal and external clients on a wide variety of issues concerning the minister and the government.

Support Staff (up to AS-05)

- positions include individually or in combination such administrative functions as reception, scheduling, organizing meetings, record keeping, information management, and document processing and control—salaries should be commensurate with complexity of functions and level of responsibility;
- positions should require a knowledge of departmental and governmental processes, procedures, systems, and policies; and
- positions could include chauffeuring responsibilities in combination with administrative functions.

Driver (CR-07)

- position provides transportation services for the Minister, and, at the request of the Minister, to the staff of the Minister, dignitaries, senior departmental officials, parliamentary and/or government officials;
- conveys classified papers, cabinet documents, classified messages, and other printed material between the offices of the Minister and a variety of destinations;
- maintains and services the automobile of the Minister; and
- provides support services in the office of the Minister.

Parliamentary Secretary's Assistant (AS-05)

- is responsible for advising and briefing the parliamentary secretary on all legislative issues;
- is responsible, on behalf of the parliamentary secretary, for working closely with the minister's office on all phases of the legislative approval process from the development of legislation within the department to Royal Assent;
- is the point person within the parliamentary secretary's office for ensuring adherence to the government's Parliamentary Reform Initiative, which includes consulting committee members on proposed legislation; and
- is responsible for liaising with caucus and the office of the minister to discuss the department's legislative agenda.

Regional Affairs Director (EX-01)

- senior ministerial staff member in a minister's regional office assisting the regional minister with the role of senior government spokesperson for the region;

- is responsible, in collaboration with regional offices of federal departments, for overseeing policy integration on behalf of the minister;
- is also responsible for advising and briefing the minister on all relevant regional issues;
- works closely with other ministers and MPs in the region in order to assist in the co-ordination of policies and programs within the region; and
- is responsible for briefing and preparing the minister on regional issues.

Regional Press Secretary (AS-07)

- is responsible, working under the direction of the director of communications, for providing strategic planning and communications advice to the minister for the region;
- should co-ordinate, with the director of communications, the development of regional communications initiatives to ensure that they are consistent with the minister's objectives and the government's mandate;
- establishes and maintains a professional relationship with the regional media; and
- is the leading official spokesperson, under the direction of the director of communications, for the minister at the regional level.

Regional Communications Advisor (IS-05)

- senior communications staff member in the minister's regional office assisting the regional minister with the role of senior government spokesperson for the region;
- is also responsible for environmental scans and advising and briefing the minister on all relevant regional concerns and threats;
- works closely with other ministers and MPs in the region in order to assist in the co-ordination of messaging within the region; and
- is responsible for preparing communiqués, press releases, and communications strategies for the minister on regional issues.

Chief of Staff to the Minister of State (EX-01 or EX-02)

- is the most senior political advisor to the minister of state;
- is responsible for the overall management of the minister of state's office, including managing the office budget and staff;
- is responsible for developing and implementing strategic plans in order to assist in delivering the minister of state's mandate;
- is responsible, on behalf of the minister of state, for liaising with senior departmental officials in order to ensure a positive working relationship between the minister of state and the Public Service;

- must ensure that the minister of state is properly briefed and advised on all issues that relate to the government's and their minister's mandate; and
- must liaise, on behalf of the minister of state, with the Prime Minister's Office and other ministers' and ministers of state's offices in order to address government-wide issues.

Director to the Minister of State (e.g. Director of Policy, Director of Communications, Director of Issues Management, Director of Parliamentary Affairs) (AS-08)

- For guidance, refer to descriptions for ministers' offices.

Policy Advisor to the Minister of State (AS-08)

- is responsible, working under the direction of the chief of staff to the minister of state and in collaboration with the department, for policy reviews on specific issues that are within the scope of responsibility of the minister of state;
- is also responsible for advising and briefing the minister of state on relevant policy issues;
- needs to work closely with the Prime Minister's Office, the office of the minister responsible for the portfolio and other ministers' offices in order to co-ordinate the development of policies and programs within the government;
- must ensure that policy development within the minister of state's responsibilities is consistent with the broad policy goals of the government, as laid out in key documents, such as the Speech from the Throne and the budget;
- should work closely with the department to ensure that policies and policy development are consistent with the minister of state's objectives and the government's mandate; and
- should liaise with key stakeholders in order to inform and/or consult on important policy initiatives within the minister of state's purview.

Note: Different areas of responsibility may exist for the positions of Director, Senior Special Assistant and Special Assistant.

Appendix B: National Defence *Guidelines for the Use of Government Administrative Aircraft*

B.1 Description of administrative flight services

National Defence (ND) operates the Administrative Flight Service (AFS) for members of the royal family, the Governor General, the Prime Minister, former prime ministers travelling for purposes related to their former office, Cabinet ministers, foreign dignitaries visiting Canada, parliamentary committees or delegations on official business and, when authorized by a minister, senior federal officers on government business. The service consists of one 12-passenger Challenger aircraft and three nine-passenger Challenger aircraft and is capable of providing air transportation on a national and on a limited international basis.

The AFS will operate throughout the year, seven days a week, 24 hours a day, from 412 Squadron of National Defence, which is located at the Shell Aerocentre adjacent to the Ottawa Airport.

B.2 Guidelines for use

Government administrative aircraft are to be used only for government business and when:

- the flight is being made to a point where there is no commercial air service, when no space is available on a commercial air service, or when, because of difficulties in routings or timetables, substantial savings of essential time can be made by using administrative aircraft in place of commercial services;
- official parties of some size need to travel together and significant advantage can be gained by using a government aircraft;
- where security considerations render commercial travel impractical; or
- the aircraft is being used to transport visiting foreign dignitaries where it is deemed appropriate and/or the provision of this service is in the best interest of the Canadian government.

B.3 Approving authority

The Minister of National Defence is the sole approving authority for flights conducted under the provisions of these guidelines.

B.4 Charges

Charges are not levied for use of the Challenger aircraft of the AFS or for special flights, those that carry members of the royal family, the Governor General, the Prime Minister, or former prime ministers travelling for purposes relating to their former office.

Charges are levied for flights using other types of ND aircraft (e.g. Airbus, etc.) when a flight is arranged by the Governor General, the Prime Minister, the Speaker of the House of Commons or

the Senate or involves a minister of the Crown, members of parliamentary committees or delegations on official business, foreign heads of state, visiting dignitaries, and senior officials travelling on government business.

The charges levied will be the incremental costs of the flight for the particular aircraft type used, as determined by ND.

B.5 Booking procedures

The office of the minister requesting the flight should telephone the FCC at (613) 990-5085 at the earliest opportunity to give a preliminary indication of the requirement, including a tentative itinerary and the number of passengers to be carried.

The minister requesting the flight must forward a formal written request for the flight to the Minister of National Defence, except in cases of emergency; the written request should reach the minister at least 48 hours before the time of departure.

The written request must include:

- an itinerary of the trip indicating all points of departure and arrival;
- the reason why the use of government-owned aircraft is requested;
- the reason why commercial air service cannot be used;
- a complete passenger list showing departure and arrival points of passengers and their affiliation;
- the contact person (and telephone number) in the requesting minister's office;
- in addition, the following statement must be included immediately above the signature block:
- "I [or my minister] request[s] the use of this aircraft, fully cognizant of the guidelines for use of the AFS, consistent with the government's commitment to financial restraint and consistent with the *Conflict of Interest Act*"; and
- the signature of the minister requesting the flight or the signature of the minister's chief of staff on behalf of the minister.

Flight arrangements will conform to the information contained in the written request to the office of the Minister of National Defence or as subsequently arranged by the FCC (with approval from the office of the Minister of National Defence, if there are substantial changes to the written request).

B.6 Restrictions

Requests will normally be handled on a first-come, first-served basis. Conflicting priorities and unforeseen requirements will be referred to the Minister of National Defence for resolution. The order of precedence in the Cabinet will be used to resolve conflicts. To optimize the scheduling of aircraft, restrictions on changes to previously co-ordinated itineraries are necessary. Operational constraints, such as crew duty time and the availability of airport services, could

disrupt future schedules and have an impact on the services offered or promised to other ministers.

Additionally, stops not contained in the original itinerary should not be planned at intermediate points to pick up or discharge passengers. If such stops or itinerary changes are necessary, they must be co-ordinated with and agreed to by the FCC (which will in turn contact the office of the Minister of National Defence for approval).

The FCC or the office of the Minister of National Defence will inform ministers requesting air transportation of the availability of aircraft proceeding on compatible flight schedules. Ministers should make every effort to make joint use of aircraft in the interests of efficient use of government resources; however, no more than eight ministers of the Crown are to travel on the same aircraft at the same time.

B.7 Reporting

National Defence will make information on the use of administrative aircraft available to the public in a monthly report that provides:

- the name of the minister requesting the aircraft;
- the date(s) of trips and the location(s) visited;
- the name(s) of the passenger(s);
- the purpose of the trip(s); and
- the number of hours flown.

Enquiries regarding any particular trip will be referred to the office of the minister requesting the trip.

Appendix C: Letter from the Minister of Finance to Cabinet Ministers, December 1963

Ottawa, December 5, 1963

LETTERS TO CABINET MINISTERS

Dear Mr.

The Cabinet discussed at a recent meeting the manner in which Ministers should account for moneys advanced and expended for travelling on official business.

In accordance with the decisions reached as a result of our discussions, I would ask that in the future you account for moneys advanced to cover travelling expenses by submitting for each trip a statement under two headings:

1. transportation expenses (if any); and
2. other expenses.

The statement should also include the period covered by the trip and the places visited.

The statement, which should be sent to your Chief Treasury Officer, should be certified by you as follows:

"I certify that the foregoing expenditures have been incurred by me on official business."

(signed) _____

The difference between the amount of the advance and the amount covered by your certificate should be returned to your Chief Treasury Officer in the form of cash or your personal cheque.

Yours sincerely,

(Sgd.) W. L. Gordon.

Appendix D: Letter from the Secretary of the Treasury Board With Respect to Access to Information Requests of Ministerial Expense Claims

I am writing further to the announcement in Parliament on March 15, 2002, by the President of the Treasury Board with respect to the treatment of requests made under the *Access to Information Act* for records of ministerial expenses under the control of government institutions.

As you are no doubt aware, the Prime Minister asked his Ministers and their exempt staff to consent to the release of information contained in travel and hospitality expense records.

Enclosed is a copy of an Information Notice to Access to Information and Privacy (ATIP) Coordinators issued by the Treasury Board Secretariat (TBS) to clarify the government's policy on the handling of access requests for records of ministerial expenses, and to request that Coordinators seek consent for the release of information in travel and hospitality expense records. The Information Notice and the practice of disclosing such records with consent are matters that were discussed at the bi-monthly ATIP Community Meeting hosted by TBS on March 19, 2002.

Each time an access request is received for expense claim information that relates specifically to travel and hospitality claims of Ministers and their exempt staff while on government business, all Ministers and their exempt staff will be asked by their Access to Information and Privacy Coordinator to sign a consent form authorizing the disclosure of such information. This applies only to expense claim records that are under the control of the government institution, and specifically to ministerial expense certificates (a monthly summary record of expenses) and to individual claims of exempt staff. This does not include travel records held exclusively in a Minister's Office, as these are not subject to the *Access to Information Act*.

Consent means that information such as the names of the Minister along with their monthly summary record of expenses, and the names of the exempt staff members, along with their position titles, travel destinations and reasons for travel, the nature of the hospitality, and amounts will be disclosed. Personal information that does not relate to the position or function of the individual, such as home addresses, personal phone or credit card numbers would continue to be protected.

This practice will ensure that the balance between the public's right to know and an individual's right to privacy is maintained.

Yours sincerely,

Frank Claydon

Appendix E: Ministers' Operating Budgets

- The operating budgets of a minister cover all operating expenditures incurred by parliamentary secretaries, by exempt staff or by departmental staff in a minister's office.
- Only direct operating expenditures that are related to the conduct of the portfolio or other official government departmental business are to be charged to a minister's operating budgets.

The following table is to assist in clarifying what should be charged to a minister's other operating costs budget.

Expenditure items *	Minister's Other Operating Costs Budget	Department's Budget
* This table presents a non-exhaustive but a representative list of operating expenditures items.		
Official gifts in the operations of a departmental minister's office	Yes	No
Travel and hospitality directly related to the operations of a minister's offices	Yes	No
Costs for international travel where the travel is required for departmental operational or program purposes only (see section 6.5)	No	Yes
Conference and training costs for exempt staff	Yes	No
Relocation of exempt staff to a minister's office (on appointment only)	Yes	No
Office furniture and furnishings for ministers and their private secretaries that are over and above departmental standards	Yes	No
Office furniture and furnishings for ministers and their private secretaries that are within departmental standards	No	Yes
Fees for professional outplacement services	Yes	No
Cost of professional and temporary help services for the minister's office	Yes	No
Acquisition of cellphones for the operations of a minister's office	No	Yes
Acquisition and usage of lap-tops for the operations of	No	Yes

Expenditure items *	Minister's Other Operating Costs Budget	Department's Budget
a minister's office		
Acquisition of office equipment that is over and above departmental standards	Yes	No
Acquisition of office equipment that is within the normal departmental standards.	No	Yes
Postage and courier services related to the operations of a minister's office	Yes	No
Postage and courier services for the operations of the department, outside of a minister's office	No	Yes
Translation and interpretation services	No	Yes
Language training for exempt staff when required of the position	No	Yes
Language training at the discretion of a minister	Yes	No
Office accommodation within the departmental standard	No	No
Office accommodation recovered by PWGSC for space required that is over and above the departmental standard	No	Yes
All other expenditures directly attributable to the operations of a minister's office	Yes	No
All indirect departmental costs such as corporate services costs (e.g. Finance and HR) and other internal service providers costs	No	Yes
Administrative costs respecting blind trusts at the recommendation of the Conflict of Interest and Ethics Commissioner	No	Yes

Footnotes

[1] A minister of state cannot require a parliamentary secretary to travel.

[2] In this instance, minister does not include a minister of state.

[3] A minister of state cannot require a parliamentary secretary to extend hospitality.

OVERVIEW OF CONFLICT OF INTEREST ACT

As per the *Conflict of Interest Act* (CoIA), a public office holder is in a conflict of interest when he or she exercises on official power, duty of function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.

Public Office Holders (POHs)

POHs are subject to the obligations imposed in Part 1 of the CoIA with respect to avoiding conflicts of interest. In general, this means that they are required to avoid situations where the exercise of their powers, duties and functions would provide an opportunity to further their own private interests, or the private interests of their friends or relatives, or to improperly further the private interests of any other party.

Specifically, they have statutory obligations to:

- Arrange their private affairs in a manner to prevent them from being in a conflict of interest (section 5 of CoIA);
- Not participate in decision making that places them in a conflict of interest (section 6 of CoIA);
- Not give preferential treatment to any person or organization based on the identity of that person or organization's representative (section 7 of CoIA);
- Not use insider information that is obtained in their positions and not available to members of the public to further private interests (section 8 of CoIA);
- Not use their position to see to influence other decisions of other persons so as to further private interests (section 9 of CoIA);
- Not allow themselves to be influenced in the exercise of their functions by offers of outside employment (section 10 of CoIA);
- Not accept gifts that might reasonably be seen to have been given to them in an attempt to influence the performance of their functions (section 11 of CoIA; also applies to family members of the public office holder, but does not apply to gifts received from relatives or friends);
- Not use any contracting authority they hold or direct to award contract to family members (section 14 of CoIA);
- Not solicit funds from any person or organization where doing so would place them in a conflict of interest (section 16 of CoIA).

In addition, they are required to recuse themselves from any decision making that would place them in a conflict of interest (as per section 21 of CoIA). They are also subject to the post-employment rules in sections 33 and 34, which prohibit them from taking "improper advantage" of their positions after leaving, acting in any "specific proceeding, transactions, negotiation or case" for which they previously acted for or advised the Crown, and from giving advice to clients or employers using information obtained through their positions and not available to the public. These post-employment restrictions are not time-limited.

OVERVIEW OF CONFLICT OF INTEREST ACT

Reporting Public Office Holders (RPOHs)

The requirements on RPOHs build on those listed above for POHs, and include:

- A prohibition on outside employment (section 15 of CoIA);
- The requirement to divest “controlled assets” (section 17 of CoIA);
- The requirements to make disclosures and declarations of income, assets, liabilities, previous outside activities, offers and acceptance of employment, recusals, travel and gifts; and,
- Post-employment restrictions (i.e., one-year bans on contracting with or being employed by organizations with which the RPOH had “significant official dealings” in their last year of public office).

The CoIA also imposes strict annual reporting requirements on RPOHs, who must submit confidential reports to the Conflict of Interest and Ethics Commissioner to ensure that they have complied with their statutory obligations. The Commissioner may also order that specific compliance measures be taken, including divestment of assets, if necessary. In this regard, the administrative costs incurred by an RPOH in relation to a divestment of asset, or in withdrawal from activities (i.e., removing the name of the RPOH from registries) are normally reimbursed pursuant to section 31 of the CoIA.

The Conflict of Interest and Ethics Commissioner is the authority when it comes to education of POHs and RPOHs on their obligations under the Acts. Her office provides information sessions tailored to their respective audiences.

For further information you can refer to the *Conflict of Interest Act* in the following pages.



CANADA

CONSOLIDATION

CODIFICATION

Conflict of Interest Act

Loi sur les conflits d'intérêts

S.C. 2006, c. 9, s. 2

L.C. 2006, ch. 9, art. 2

NOTE

[Enacted by section 2 of chapter 9 of the Statutes of Canada, 2006, in force July 9, 2007, *see* SI/2007-75.]

NOTE

[Édictée par l'article 2 du chapitre 9 des Lois du Canada (2006), en vigueur le 9 juillet 2007, *voir* TR/2007-75.]

Current to September 30, 2015

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OFFICIAL STATUS OF CONSOLIDATIONS

CARACTÈRE OFFICIEL DES CODIFICATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit :

Published
consolidation is
evidence

31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications
comme élément
de preuve

Inconsistencies
in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

Incompatibilité
— lois

NOTE

This consolidation is current to September 30, 2015. The last amendments came into force on November 28, 2014. Any amendments that were not in force as of September 30, 2015 are set out at the end of this document under the heading “Amendments Not in Force”.

NOTE

Cette codification est à jour au 30 septembre 2015. Les dernières modifications sont entrées en vigueur le 28 novembre 2014. Toutes modifications qui n'étaient pas en vigueur au 30 septembre 2015 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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S.C. 2006, c. 9, s. 2

L.C. 2006, ch. 9, art. 2

An Act to establish conflict of interest and post-employment rules for public office holders

Loi établissant des règles concernant les conflits d'intérêts et l'après-mandat pour les titulaires de charge publique

[Assented to 12th December 2006]

[Sanctionnée le 12 décembre 2006]

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Conflict of Interest Act*.

1. *Loi sur les conflits d'intérêts*.

Titre abrégé

INTERPRETATION

DÉFINITIONS

Definitions

2. (1) The following definitions apply in this Act.

2. (1) Les définitions qui suivent s'appliquent à la présente loi.

Définitions

“Commissioner”
«commissaire»

“Commissioner” means the Conflict of Interest and Ethics Commissioner appointed under section 81 of the *Parliament of Canada Act*.

«cadeau ou autre avantage» S'entend :

«cadeau ou autre avantage»
“gift or other advantage”

“common-law partner”
«conjoint de fait»

“common-law partner” means a person who is cohabiting with a public office holder in a conjugal relationship, having so cohabited for a period of at least one year.

a) de toute somme, si son remboursement n'est pas obligatoire;

b) de tout service ou de tout bien ou de l'usage d'un bien ou d'argent, s'ils sont fournis sans frais ou à un prix inférieur à leur valeur commerciale.

“common-law partnership”
«union de fait»

“common-law partnership” means the relationship between two persons who are cohabiting in a conjugal relationship, having so cohabited for a period of at least one year.

«commissaire» Le commissaire aux conflits d'intérêts et à l'éthique nommé en vertu de l'article 81 de la *Loi sur le Parlement du Canada*.

«commissaire»
“Commissioner”

“dependent child”
«enfant à charge»

“dependent child” means a child of a public office holder, or a child of the public office holder's spouse or common-law partner, who has not reached the age of 18 years or who has reached that age but is primarily dependent on the public office holder or public office holder's spouse or common-law partner for financial support.

«conjoint de fait» La personne qui vit avec un titulaire de charge publique dans une relation conjugale depuis au moins un an.

«conjoint de fait»
“common law partner”

“former reporting public office holder”
«ex-titulaire de charge publique principal»

“former reporting public office holder” means a former public office holder who, while in office, was a reporting public office holder.

«conseiller ministériel» Personne, autre qu'un fonctionnaire, qui occupe un poste au cabinet d'un ministre ou d'un ministre d'État et qui fournit des conseils en matière de politiques, de programmes et de finances à un ministre ou ministre d'État sur des questions relevant des attributions de celui-ci en cette qualité et ce, même s'il le fait à temps partiel ou sans rétribution.

«conseiller ministériel»
“ministerial adviser”

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“gift or other advantage” «cadeau ou autre avantage»	“gift or other advantage” means (a) an amount of money if there is no obligation to repay it; and (b) a service or property, or the use of property or money that is provided without charge or at less than its commercial value.	«enfant à charge» Enfant d’un titulaire de charge publique ou de l’époux ou conjoint de fait de celui-ci, qui n’a pas atteint l’âge de dix-huit ans ou qui, l’ayant atteint, dépend principalement, sur le plan financier, du titulaire ou de son époux ou conjoint de fait.	«enfant à charge» “dependent child”
“ministerial adviser” «conseiller ministériel»	“ministerial adviser” means a person, other than a public servant, who occupies a position in the office of a minister of the Crown or a minister of state and who provides policy, program or financial advice to that person on issues relating to his or her powers, duties and functions as a minister of the Crown or a minister of state, whether or not the advice is provided on a full-time or part-time basis and whether or not the person is entitled to any remuneration or other compensation for the advice.	«entité du secteur public» Ministère ou organisme fédéral, société d’État constituée sous le régime d’une loi fédérale ou toute autre entité au sein de laquelle le gouverneur en conseil peut nommer une personne, à l’exception du Sénat et de la Chambre des communes.	«entité du secteur public» “public sector entity”
“ministerial staff” «personnel ministériel»	“ministerial staff” means those persons, other than public servants, who work on behalf of a minister of the Crown or a minister of state.	«époux» N’est pas considérée comme un époux la personne dont un titulaire de charge publique est séparé si le partage des obligations alimentaires, du patrimoine familial et des biens familiaux a fait l’objet d’un accord de séparation ou d’une ordonnance judiciaire.	«époux» “spouse”
“private interest” «intérêt personnel»	“private interest” does not include an interest in a decision or matter (a) that is of general application; (b) that affects a public office holder as one of a broad class of persons; or (c) that concerns the remuneration or benefits received by virtue of being a public office holder.	«ex-titulaire de charge publique principal» Ex-titulaire de charge publique qui, pendant son mandat, était titulaire de charge publique principal.	«ex-titulaire de charge publique principal» “former reporting public office holder”
“public office holder” «titulaire de charge publique»	“public office holder” means (a) a minister of the Crown, a minister of state or a parliamentary secretary; (a.1) the Chief Electoral Officer; (b) a member of ministerial staff; (c) a ministerial adviser; (d) a Governor in Council appointee, other than the following persons, namely, (i) a lieutenant governor, (ii) officers and staff of the Senate, House of Commons and Library of Parliament, (iii) a person appointed or employed under the <i>Public Service Employment Act</i> who is a head of mission as defined in subsection 15(1) of the <i>Department of Foreign Affairs, Trade and Development Act</i> ,	«fonctionnaire» S’entend au sens du paragraphe 2(1) de la <i>Loi sur la protection des fonctionnaires divulgateurs d’actes répréhensibles</i> . La présente définition s’applique toutefois aux officiers et aux militaires du rang des Forces canadiennes ainsi qu’aux employés du Service canadien du renseignement de sécurité et du Centre de la sécurité des télécommunications.	«fonctionnaire» “public servant”
		«intérêt personnel» N’est pas visé l’intérêt dans une décision ou une affaire : a) de portée générale; b) touchant le titulaire de charge publique faisant partie d’une vaste catégorie de personnes; c) touchant la rémunération ou les avantages sociaux d’un titulaire de charge publique.	«intérêt personnel» “private interest”
		«personnel ministériel» Personnes, autres que les fonctionnaires, qui travaillent au sein du cabinet d’un ministre ou d’un ministre d’État.	«personnel ministériel» “ministerial staff”
		«titulaire de charge publique» a) Ministre, ministre d’État ou secrétaire parlementaire; a.1) directeur général des élections; b) membre du personnel ministériel;	«titulaire de charge publique» “public office holder”

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	<p>(iv) a judge who receives a salary under the <i>Judges Act</i>,</p> <p>(v) a military judge within the meaning of subsection 2(1) of the <i>National Defence Act</i>, and</p> <p>(vi) a Deputy Commissioner of the Royal Canadian Mounted Police;</p> <p>(d.1) a ministerial appointee whose appointment is approved by the Governor in Council; and</p> <p>(e) a person or a member of a class of persons if the person or class of persons is designated under subsection 62.1(1) or 62.2(1).</p>	<p>c) conseiller ministériel;</p> <p>d) titulaire de charge nommé par le gouverneur en conseil, à l'exception :</p> <p>(i) des lieutenants-gouverneurs,</p> <p>(ii) des cadres et du personnel du Sénat, de la Chambre des communes et de la Bibliothèque du Parlement,</p> <p>(iii) des chefs de mission au sens du paragraphe 15(1) de la <i>Loi sur le ministère des Affaires étrangères, du Commerce et du Développement</i> qui sont nommés ou employés sous le régime de la <i>Loi sur l'emploi dans la fonction publique</i>,</p> <p>(iv) des juges qui touchent un traitement sous le régime de la <i>Loi sur les juges</i>,</p> <p>(v) des juges militaires au sens du paragraphe 2(1) de la <i>Loi sur la défense nationale</i>,</p> <p>(vi) des sous-commissaires de la Gendarmerie royale du Canada;</p> <p>d.1) titulaire d'une nomination ministérielle lorsque celle-ci est approuvée par le gouverneur en conseil;</p> <p>e) toute personne désignée en vertu des paragraphes 62.1(1) ou 62.2(1).</p>
<p>"public sector entity" «entité du secteur public»</p>	<p>"public sector entity" means a department or agency of the Government of Canada, a Crown corporation established by or under an Act of Parliament or any other entity to which the Governor in Council may appoint a person, but does not include the Senate or the House of Commons.</p>	
<p>"public servant" «fonctionnaire»</p>	<p>"public servant" has the meaning assigned by subsection 2(1) of the <i>Public Servants Disclosure Protection Act</i>, but includes officers and non-commissioned members of the Canadian Forces and employees of the Canadian Security Intelligence Service or the Communications Security Establishment.</p>	
<p>"reporting public office holder" «titulaire de charge publique principal»</p>	<p>"reporting public office holder" means a public office holder who is</p> <p>(a) a minister of the Crown, minister of state or parliamentary secretary;</p> <p>(a.1) the Chief Electoral Officer;</p> <p>(b) a member of ministerial staff who works on average 15 hours or more a week;</p> <p>(c) a ministerial adviser;</p> <p>(d) a Governor in Council appointee, or a ministerial appointee whose appointment is approved by the Governor in Council, who exercises his or her official duties and functions on a part-time basis but receives an annual salary and benefits;</p> <p>(e) a Governor in Council appointee, or a ministerial appointee whose appointment is approved by the Governor in Council, who exercises his or her official duties and functions on a full-time basis; or</p>	<p>«titulaire de charge publique principal» "reporting public office holder"</p> <p>«titulaire de charge publique principal» Titulaire de charge publique qui :</p> <p>a) est un ministre, ministre d'État ou secrétaire parlementaire;</p> <p>a.1) est le directeur général des élections;</p> <p>b) est un membre du personnel ministériel qui travaille en moyenne quinze heures ou plus par semaine;</p> <p>c) est un conseiller ministériel;</p> <p>d) est nommé par le gouverneur en conseil ou par le ministre sur approbation de celui-ci et exerce ses fonctions officielles à temps partiel, reçoit une rémunération annuelle et bénéficie d'avantages;</p> <p>e) est nommé par le gouverneur en conseil ou par le ministre sur approbation de celui-ci et exerce ses fonctions officielles à temps plein;</p> <p>f) est désigné en vertu des paragraphes 62.1(2) ou 62.2(2).</p>

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	(f) a person or a member of a class of persons if the person or class of persons is designated under subsection 62.1(2) or 62.2(2).	«union de fait» Relation qui existe entre deux conjoints de fait.	«union de fait» “common-law partnership”
“spouse” «époux»	“spouse” does not include a person from whom a public office holder is separated if all support obligations and family property or patrimony have been dealt with by a separation agreement or a court order.		
Family members	(2) The following are the members of a public office holder’s family for the purposes of this Act: (a) his or her spouse or common-law partner; and (b) his or her dependent children and the dependent children of his or her spouse or common-law partner.	(2) Sont considérés comme des membres de la famille d’un titulaire de charge publique pour l’application de la présente loi : a) son époux ou conjoint de fait; b) son enfant à charge et celui de son époux ou conjoint de fait.	Membres de la famille
Relatives	(3) Persons who are related to a public office holder by birth, marriage, common-law partnership, adoption or affinity are the public office holder’s relatives for the purposes of this Act unless the Commissioner determines, either generally or in relation to a particular public office holder, that it is not necessary for the purposes of this Act that a person or a class of persons be considered a relative of a public office holder. 2006, c. 9, s. 2 “2”; 2013, c. 18, s. 66, c. 33, s. 192, c. 40, s. 288; 2014, c. 12, s. 145.	(3) Toute personne apparentée à un titulaire de charge publique par les liens du mariage, d’une union de fait, de la filiation ou de l’adoption ou encore liée à lui par affinité est un parent de celui-ci pour l’application de la présente loi, à moins que le commissaire n’en vienne à la conclusion que, de façon générale ou à l’égard d’un titulaire de charge publique en particulier, il n’est pas nécessaire pour l’application de la présente loi de considérer telle personne ou catégorie de personnes comme un parent du titulaire. 2006, ch. 9, art. 2 « 2 »; 2013, ch. 18, art. 66, ch. 33, art. 192, ch. 40, art. 288; 2014, ch. 12, art. 145.	Parent
	PURPOSE	OBJET	
Purpose of the Act	3. The purpose of this Act is to (a) establish clear conflict of interest and post-employment rules for public office holders; (b) minimize the possibility of conflicts arising between the private interests and public duties of public office holders and provide for the resolution of those conflicts in the public interest should they arise; (c) provide the Conflict of Interest and Ethics Commissioner with the mandate to determine the measures necessary to avoid conflicts of interest and to determine whether a contravention of this Act has occurred; (d) encourage experienced and competent persons to seek and accept public office; and	3. La présente loi a pour objet : a) d’établir à l’intention des titulaires de charge publique des règles de conduite claires au sujet des conflits d’intérêts et de l’après-mandat; b) de réduire au minimum les possibilités de conflit entre les intérêts personnels des titulaires de charge publique et leurs fonctions officielles, et de prévoir les moyens de régler de tels conflits, le cas échéant, dans l’intérêt public; c) de donner au commissaire aux conflits d’intérêts et à l’éthique le mandat de déterminer les mesures nécessaires à prendre pour éviter les conflits d’intérêts et de décider s’il y a eu contravention à la présente loi;	Objet de la présente loi

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(e) facilitate interchange between the private and public sector.

d) d'encourager les personnes qui possèdent l'expérience et les compétences requises à solliciter et à accepter une charge publique;

e) de faciliter les échanges entre les secteurs privé et public.

PART 1

CONFLICT OF INTEREST RULES

PARTIE 1

RÈGLES RÉGISSANT LES CONFLITS D'INTÉRÊTS

Conflict of interest	4. For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.	4. Pour l'application de la présente loi, un titulaire de charge publique se trouve en situation de conflit d'intérêts lorsqu'il exerce un pouvoir officiel ou une fonction officielle qui lui fournit la possibilité de favoriser son intérêt personnel ou celui d'un parent ou d'un ami ou de favoriser de façon irrégulière celui de toute autre personne.	Conflits d'intérêts
General duty	5. Every public office holder shall arrange his or her private affairs in a manner that will prevent the public office holder from being in a conflict of interest.	5. Le titulaire de charge publique est tenu de gérer ses affaires personnelles de manière à éviter de se trouver en situation de conflit d'intérêts.	Obligation
Decision-making	6. (1) No public office holder shall make a decision or participate in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.	6. (1) Il est interdit à tout titulaire de charge publique de prendre une décision ou de participer à la prise d'une décision dans l'exercice de sa charge s'il sait ou devrait raisonnablement savoir que, en prenant cette décision, il pourrait se trouver en situation de conflit d'intérêts.	Prise de décision
Abstention from voting	(2) No minister of the Crown, minister of state or parliamentary secretary shall, in his or her capacity as a member of the Senate or the House of Commons, debate or vote on a question that would place him or her in a conflict of interest.	(2) Il est interdit à tout ministre, ministre d'État ou secrétaire parlementaire de participer, en tant que membre du Sénat ou de la Chambre des communes, à un débat ou à un vote sur une question à l'égard de laquelle il pourrait se trouver dans une situation de conflit d'intérêts.	Abstention de voter
Preferential treatment	7. No public office holder shall, in the exercise of an official power, duty or function, give preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.	7. Il est interdit à tout titulaire de charge publique d'accorder, dans l'exercice de ses fonctions officielles, un traitement de faveur à une personne ou un organisme en fonction d'une autre personne ou d'un autre organisme retenu pour représenter l'un ou l'autre.	Traitement de faveur
Insider information	8. No public office holder shall use information that is obtained in his or her position as a public office holder and that is not available to the public to further or seek to further the public office holder's private interests or those of the public office holder's relatives or friends or to improperly further or to seek to improperly further another person's private interests.	8. Il est interdit à tout titulaire de charge publique d'utiliser les renseignements qu'il obtient en sa qualité de titulaire de charge publique et qui ne sont pas accessibles au public, afin de favoriser ou chercher à favoriser son intérêt personnel ou celui d'un parent ou d'un ami ou de favoriser ou de chercher à favoriser de façon irrégulière celui de toute autre personne.	Renseignements d'inités

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Influence	9. No public office holder shall use his or her position as a public office holder to seek to influence a decision of another person so as to further the public office holder's private interests or those of the public office holder's relatives or friends or to improperly further another person's private interests.	9. Il est interdit à tout titulaire de charge publique de se prévaloir de ses fonctions officielles pour tenter d'influencer la décision d'une autre personne dans le but de favoriser son intérêt personnel ou celui d'un parent ou d'un ami ou de favoriser de façon irrégulière celui de toute autre personne.	Influence
Offers of outside employment	10. No public office holder shall allow himself or herself to be influenced in the exercise of an official power, duty or function by plans for, or offers of, outside employment.	10. Il est interdit à tout titulaire de charge publique de se laisser influencer dans l'exercice de ses fonctions officielles par des projets ou des offres d'emploi de l'extérieur.	Offres d'emploi de l'extérieur
Gifts and other advantages	11. (1) No public office holder or member of his or her family shall accept any gift or other advantage, including from a trust, that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.	11. (1) Il est interdit à tout titulaire de charge publique et à tout membre de sa famille d'accepter un cadeau ou autre avantage, y compris celui provenant d'une fiducie, qui pourrait raisonnablement donner à penser qu'il a été donné pour influencer le titulaire dans l'exercice de ses fonctions officielles.	Cadeaux et autres avantages
Exception	(2) Despite subsection (1), a public office holder or member of his or her family may accept a gift or other advantage (a) that is permitted under the <i>Canada Elections Act</i> ; (b) that is given by a relative or friend; or (c) that is received as a normal expression of courtesy or protocol, or is within the customary standards that normally accompany the public office holder's position.	(2) Le titulaire de charge publique ou un membre de sa famille peut toutefois accepter : a) un cadeau ou autre avantage qui est permis au titre de la <i>Loi électorale du Canada</i> ; b) un cadeau ou autre avantage qui provient d'un parent ou d'un ami; c) un cadeau ou autre avantage qui est une marque normale ou habituelle de courtoisie ou de protocole ou qui est habituellement offert dans le cadre de la charge du titulaire.	Exceptions
Forfeiture	(3) When a public office holder or a member of his or her family accepts a gift or other advantage referred to in paragraph (2)(c) that has a value of \$1,000 or more, the gift or other advantage is, unless otherwise determined by the Commissioner, forfeited to Her Majesty in right of Canada.	(3) À moins d'avis contraire du commissaire, en cas d'acceptation, par le titulaire de charge publique ou un membre de sa famille, d'un cadeau ou autre avantage visé à l'alinéa (2)c) et ayant une valeur égale ou supérieure à 1 000 \$, le cadeau ou l'avantage est confisqué au profit de Sa Majesté du chef du Canada.	Confiscation
Travel	12. No minister of the Crown, minister of state or parliamentary secretary, no member of his or her family and no ministerial adviser or ministerial staff shall accept travel on non-commercial chartered or private aircraft for any purpose unless required in his or her capacity as a public office holder or in exceptional circumstances or with the prior approval of the Commissioner.	12. Il est interdit à tout ministre, ministre d'État ou secrétaire parlementaire et à tout membre de leur famille, à tout conseiller ministériel ou à tout personnel ministériel de voyager à bord d'avions non commerciaux nolisés ou privés pour quelque raison que ce soit, sauf si leurs fonctions de titulaire de charge publique l'exigent ou sauf dans des circonstances exceptionnelles ou avec l'approbation préalable du commissaire.	Voyages
Contracts with public sector entities	13. (1) No minister of the Crown, minister of state or parliamentary secretary shall knowingly be a party to a contract with a public sector entity under which he or she receives a ben-	13. (1) Il est interdit à tout ministre, ministre d'État ou secrétaire parlementaire d'être sciemment partie à un contrat conclu avec une entité du secteur public — autre qu'un contrat	Contrats avec une entité du secteur public

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	efit, other than a contract under which he or she is entitled to pension benefits.	de rente — aux termes duquel il reçoit un avantage.	
Partnerships and private companies	(2) No minister of the Crown, minister of state or parliamentary secretary shall have an interest in a partnership or private corporation that is a party to a contract with a public sector entity under which the partnership or corporation receives a benefit.	(2) Il est interdit à tout ministre, ministre d'État ou secrétaire parlementaire d'avoir un intérêt dans une société de personnes ou dans une société privée qui est partie à un contrat conclu avec une entité du secteur public aux termes duquel la société reçoit un avantage.	Sociétés de personnes et sociétés privées
Exception	(3) Subsections (1) and (2) do not apply if the Commissioner is of the opinion that the contract or interest is unlikely to affect the exercise of the official powers, duties and functions of the minister of the Crown, minister of state or parliamentary secretary.	(3) Les paragraphes (1) et (2) ne s'appliquent pas si le commissaire estime que le contrat ou l'intérêt n'aura vraisemblablement aucune incidence sur l'exercice par le ministre, ministre d'État ou secrétaire parlementaire de ses fonctions officielles.	Exception
Contracting	14. (1) No public office holder who otherwise has the authority shall, in the exercise of his or her official powers, duties and functions, enter into a contract or employment relationship with his or her spouse, common-law partner, child, sibling or parent.	14. (1) Il est interdit à tout titulaire de charge publique, qui en a d'ailleurs le pouvoir, dans l'exercice de ses fonctions officielles, de conclure un contrat ou d'entretenir une relation d'emploi avec son époux, son conjoint de fait, son enfant, son frère, sa soeur, sa mère ou son père.	Contrats
Public sector entity — public office holders	(2) No public office holder, other than a minister of the Crown, minister of state or parliamentary secretary, who otherwise has the authority shall permit the public sector entity for which he or she is responsible, or to which he or she is assigned, to enter into a contract or employment relationship with his or her spouse, common-law partner, child, sibling or parent except in accordance with an impartial administrative process in which the public office holder plays no part.	(2) Il est également interdit au titulaire de charge publique qui n'est ni un ministre, ni un ministre d'État, ni un secrétaire parlementaire, qui en a d'ailleurs le pouvoir, de permettre à l'entité du secteur public dont il est responsable ou à laquelle il a été affecté de conclure un contrat ou d'entretenir une relation d'emploi avec son époux, son conjoint de fait, son enfant, son frère, sa soeur, sa mère ou son père, sauf conformément à un procédé administratif impartial dans lequel le titulaire ne joue aucun rôle.	Entité du secteur public : titulaires de charge publique
Public sector entity — ministers	(3) No minister of the Crown, minister of state or parliamentary secretary who otherwise has the authority shall permit the public sector entity for which he or she is responsible, or to which he or she is assigned, to enter into a contract or employment relationship with his or her spouse, common-law partner, child, sibling or parent.	(3) Il est interdit à tout ministre, ministre d'État ou secrétaire parlementaire, qui en a d'ailleurs le pouvoir, de permettre à l'entité du secteur public dont il est responsable ou à laquelle il a été affecté de conclure un contrat ou d'entretenir une relation d'emploi avec son époux, son conjoint de fait, son enfant, son frère, sa soeur, sa mère ou son père.	Entité du secteur public : ministres
Other ministers or party colleagues	(4) No minister of the Crown, minister of state or parliamentary secretary who otherwise has the authority shall permit anyone acting on his or her behalf to enter into a contract or employment relationship with a spouse, common-law partner, child, sibling or parent of another minister of the Crown, minister of state or parliamentary secretary or party colleague in Parliament, except in accordance with an impartial	(4) Il est interdit à tout ministre, ministre d'État ou secrétaire parlementaire, qui en a d'ailleurs le pouvoir, de permettre à quiconque agit en son nom de conclure un contrat ou d'entretenir une relation d'emploi avec l'époux, le conjoint de fait, l'enfant, le frère, la soeur, la mère ou le père d'un autre ministre, ministre d'État ou secrétaire parlementaire ou d'un autre parlementaire de son parti, sauf conformément	Autres parlementaires

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	administrative process in which the minister of the Crown, minister of state or parliamentary secretary plays no part.	à un procédé administratif impartial dans lequel le ministre, ministre d'État ou secrétaire parlementaire, selon le cas, ne joue aucun rôle.	
Restriction	(5) Subsection (4) does not apply in respect of the appointment of a member of ministerial staff or a ministerial adviser.	(5) Le paragraphe (4) ne s'applique pas à la nomination d'un membre du personnel ministériel ou d'un conseiller ministériel.	Restriction : membre exempté
Certain contracts excluded	(6) This section does not apply to a contract for goods or services offered by a public sector entity on the same terms and conditions as to the general public.	(6) Le présent article ne s'applique pas à un contrat de biens ou de services offert par l'entité du secteur public selon les mêmes conditions que le public en général.	Certains contrats exclus
Prohibited activities	15. (1) No reporting public office holder shall, except as required in the exercise of his or her official powers, duties and functions, (a) engage in employment or the practice of a profession; (b) manage or operate a business or commercial activity; (c) continue as, or become, a director or officer in a corporation or an organization; (d) hold office in a union or professional association; (e) serve as a paid consultant; or (f) be an active partner in a partnership.	15. (1) À moins que ses fonctions officielles ne l'exigent, il est interdit à tout titulaire de charge publique principal : (a) d'occuper un emploi ou d'exercer une profession; (b) d'administrer ou d'exploiter une entreprise ou une activité commerciale; (c) d'occuper ou d'accepter un poste d'administrateur ou de dirigeant dans une société ou un organisme; (d) d'occuper un poste dans un syndicat ou une association professionnelle; (e) d'agir comme consultant rémunéré; (f) d'être un associé actif dans une société de personnes.	Activités interdites
Exception	(1.1) Despite paragraph (1)(a), for the purpose of maintaining his or her employment opportunities or ability to practice his or her profession on leaving public office, a reporting public office holder may engage in employment or the practice of a profession in order to retain any licensing or professional qualifications or standards of technical proficiency necessary for that purpose if (a) the reporting public office holder does not receive any remuneration; and (b) the Commissioner is of the opinion that it is not incompatible with the reporting public office holder's duties as a public office holder.	(1.1) Malgré l'alinéa (1)a), afin de préserver ses perspectives d'emploi ou sa capacité d'exercer sa profession une fois qu'il a cessé d'occuper sa charge, le titulaire de charge publique principal peut occuper un emploi ou exercer une profession dans le but de conserver un permis d'exercice, une qualification professionnelle ou un certain niveau de compétence technique qui lui est nécessaire à cette fin si, à la fois : (a) il ne reçoit aucune rémunération; (b) le commissaire estime que cela n'est pas incompatible avec sa charge publique.	Exception
Exception	(2) Despite paragraph (1)(c), a reporting public office holder who is a director or officer in a Crown corporation as defined in section 83 of the <i>Financial Administration Act</i> may continue as, or become, a director or officer in a financial or commercial corporation but only if the Commissioner is of the opinion that it is not	(2) Malgré l'alinéa (1)c), le titulaire de charge publique principal qui occupe un poste d'administrateur ou de dirigeant dans une société d'État au sens de l'article 83 de la <i>Loi sur la gestion des finances publiques</i> peut occuper ou accepter un poste d'administrateur ou de dirigeant dans une société commerciale ou finan-	Exception : titulaire de charge publique principal

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	incompatible with his or her public duties as a public office holder.	cière si le commissaire estime que ce poste n'est pas incompatible avec sa charge publique.	
Exception	(3) Despite paragraph (1)(c), a reporting public office holder may continue as, or become, a director or officer in an organization of a philanthropic, charitable or non-commercial character but only if the Commissioner is of the opinion that it is not incompatible with his or her public duties as a public office holder.	(3) Malgré l'alinéa (1)c), le titulaire de charge publique principal peut occuper ou accepter un poste d'administrateur ou de dirigeant dans un organisme philanthropique, caritatif ou à but non lucratif si le commissaire estime que ce poste n'est pas incompatible avec sa charge publique.	Autre exception
Political activities	(4) Nothing in this section prohibits or restricts the political activities of a reporting public office holder. 2006, c. 9, s. 2 "15"; 2011, c. 24, s. 168.	(4) Le présent article n'a pas pour effet d'interdire ou de restreindre les activités politiques d'un titulaire de charge publique principal. 2006, ch. 9, art. 2 « 15 »; 2011, ch. 24, art. 168.	Activités politiques
Fundraising	16. No public office holder shall personally solicit funds from any person or organization if it would place the public office holder in a conflict of interest.	16. Il est interdit à tout titulaire de charge publique de solliciter personnellement des fonds d'une personne ou d'un organisme si l'exercice d'une telle activité plaçait le titulaire en situation de conflit d'intérêts.	Sollicitation de fonds
Divestiture of controlled assets	17. No reporting public office holder shall, unless otherwise provided in Part 2, hold controlled assets as defined in that Part.	17. Sauf disposition contraire de la partie 2, il est interdit à tout titulaire de charge publique principal de détenir des biens contrôlés au sens de cette partie.	Dessaisissement de biens contrôlés
Anti-avoidance	18. No public office holder shall take any action that has as its purpose the circumvention of the public office holder's obligations under this Act.	18. Il est interdit à tout titulaire de charge publique de faire quoi que ce soit dans le but de se soustraire aux obligations auxquelles il est assujéti sous le régime de la présente loi.	Anti-évitement
Condition of appointment or employment	19. Compliance with this Act is a condition of a person's appointment or employment as a public office holder.	19. La nomination ou l'emploi de tout titulaire de charge publique est subordonné à l'observation de la présente loi.	Condition de la nomination ou de l'emploi

PART 2

COMPLIANCE MEASURES

INTERPRETATION

Definitions	20. The following definitions apply in this Part.	
"assets" « bien »	"assets" includes any trusts in respect of which a public office holder or a member of his or her family is a beneficiary.	
"controlled assets" « bien contrôlé »	"controlled assets" means assets whose value could be directly or indirectly affected by government decisions or policy including, but not limited to, the following: (a) publicly traded securities of corporations and foreign governments, whether held individually or in an investment portfolio account such as, but not limited to, stocks, bonds, stock market indices, trust units,	

PARTIE 2

MESURES D'OBSERVATION

DÉFINITIONS

Definitions	20. Les définitions qui suivent s'appliquent à la présente partie.	Définitions
« bien »	« bien » S'entend notamment de toute fiducie dont le titulaire de charge publique ou un membre de sa famille est bénéficiaire.	« bien » "assets"
« bien contrôlé »	« bien contrôlé » Tout bien dont la valeur peut être influencée directement ou indirectement par les décisions ou les politiques du gouvernement, notamment : a) les valeurs cotées en bourse de sociétés et les titres de gouvernements étrangers, qu'ils soient détenus individuellement ou dans un portefeuille de titres, par exemple, les actions, les obligations, les indices des cours de la bourse, les parts de fiducie, les fonds com-	« bien contrôlé » "controlled assets"

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closed-end mutual funds, commercial papers and medium-term notes;

(b) self-administered registered retirement savings plans, self-administered registered education savings plans and registered retirement income funds composed of at least one asset that would be considered controlled if held outside the plan or fund;

(c) commodities, futures and foreign currencies held or traded for speculative purposes; and

(d) stock options, warrants, rights and similar instruments.

“exempt assets”
« bien exclu »

“exempt assets” means assets and interests in assets for the private use of public office holders and the members of their family and assets that are not of a commercial character, including the following:

(a) primary and secondary residences, recreational property and farm land and buildings used or intended for use by public office holders or the members of their family;

(b) household goods and personal effects;

(c) works of art, antiques and collectibles;

(d) automobiles and other personal means of transportation;

(e) cash and deposits;

(f) Canada Savings Bonds and other similar investments issued or guaranteed by any level of government in Canada or agencies of those governments;

(g) registered retirement savings plans and registered education savings plans that are not self-administered or self-directed;

(h) investments in open-ended mutual funds;

(i) guaranteed investment certificates and similar financial instruments;

(j) public sector debt financing not guaranteed by a level of government, such as university and hospital debt financing;

(k) annuities and life insurance policies;

(l) pension rights;

(m) money owed by a previous employer, client or partner;

muns de placement à capital fixe, les effets de commerce et les effets à moyen terme négociables;

b) les régimes enregistrés d'épargne-retraite et d'épargne-études et les fonds enregistrés de revenu de retraite qui sont autogérés et composés d'au moins un bien qui serait considéré comme un bien contrôlé s'il était détenu à l'extérieur du régime ou du fonds;

c) les marchandises, les marchés à terme et les devises étrangères détenus ou négociés à des fins de spéculation;

d) les options d'achat d'actions, les bons de souscription d'actions, les droits de souscription et autres effets semblables.

« bien exclu » Tout bien — y compris tout intérêt afférent — réservé à l'usage personnel du titulaire de charge publique et de sa famille ainsi que tout bien de nature non commerciale, notamment :

« bien exclu »
“exempt assets”

a) le domicile principal ou secondaire et les propriétés agricoles réservés à l'usage personnel présent et futur du titulaire ou de sa famille;

b) les articles ménagers et les effets personnels;

c) les oeuvres d'art, les antiquités et les objets de collection;

d) les automobiles et autres moyens de transport personnels;

e) les liquidités et les dépôts;

f) les obligations d'épargne du Canada et autres titres semblables émis ou garantis par tout ordre de gouvernement ou organisme canadien;

g) les régimes enregistrés d'épargne-retraite et d'épargne-études qui ne sont pas autogérés;

h) les investissements dans des fonds communs de placement à capital variable;

i) les certificats de placement garanti et les instruments financiers semblables;

j) les titres d'emprunt du secteur public non garantis par un ordre de gouvernement, comme les titres d'emprunt d'une université ou d'un hôpital;

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- (n) personal loans receivable from the public office holder's relatives, and personal loans of less than \$10,000 receivable from other persons if the public office holder has loaned the moneys receivable;
- (o) money owed under a mortgage or hypothec of less than \$10,000;
- (p) self-administered or self-directed registered retirement savings plans, registered education savings plans and registered retirement income funds composed exclusively of assets that would be considered exempt if held outside the plan or fund; and
- (q) investments in limited partnerships that are not traded publicly and whose assets are exempt assets.

- k) les rentes et les polices d'assurance-vie;
- l) les droits à pension;
- m) les créances à recouvrer d'un ancien employeur, client ou associé;
- n) les prêts personnels consentis à des parents du titulaire et les prêts personnels de moins de 10 000 \$ consentis à d'autres personnes;
- o) toute somme due au titre d'un prêt hypothécaire de moins de 10 000 \$;
- p) les régimes enregistrés d'épargne-retraite et d'épargne-études et les fonds enregistrés de revenu de retraite qui sont autogérés et composés uniquement de biens qui seraient considérés comme des biens exclus s'ils étaient détenus à l'extérieur du régime ou du fonds;
- q) les placements dans les sociétés en commandite dont les actions ne sont pas offertes au public et dont les biens sont des biens exclus.

RECUSAL

Duty to recuse

21. A public office holder shall recuse himself or herself from any discussion, decision, debate or vote on any matter in respect of which he or she would be in a conflict of interest.

RÉCUSATION

Devoir de récusation

21. Le titulaire de charge publique doit se récuser concernant une discussion, une décision, un débat ou un vote, à l'égard de toute question qui pourrait le placer en situation de conflit d'intérêts.

CONFIDENTIAL DISCLOSURE

Confidential report

22. (1) A reporting public office holder shall, within 60 days after the day on which he or she is appointed as a public office holder, provide a confidential report to the Commissioner.

COMMUNICATION CONFIDENTIELLE

Rapport confidentiel

22. (1) Dans les soixante jours suivant sa nomination, le titulaire de charge publique principal présente au commissaire un rapport confidentiel.

Content of report

- (2) The report required under subsection (1) must contain the following:
- (a) a description of all of the reporting public office holder's assets and an estimate of their value;
 - (b) a description of all of the reporting public office holder's direct and contingent liabilities, including the amount of each liability;
 - (c) a description of all income received by the reporting public office holder during the 12 months before the day of appointment and all income the reporting public office holder

Contenu du rapport

- (2) Le rapport contient :
- a) la liste détaillée de tous les biens du titulaire de charge publique principal avec leur valeur estimative;
 - b) la liste détaillée de la totalité de ses dettes réelles et éventuelles, avec le montant de chacune d'elles;
 - c) la liste détaillée de tous les revenus qu'il a reçus au cours des douze mois précédant la date de sa nomination et de tous ceux auxquels il a droit au cours des douze mois suivants;

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is entitled to receive in the 12 months after the day of appointment;

(d) a description of all activities referred to in section 15 in which the reporting public office holder was engaged in the two-year period before the day of appointment;

(e) a description of the reporting public office holder's involvement in philanthropic, charitable or non-commercial activities in the two-year period before the day of appointment;

(f) a description of all of the reporting public office holder's activities as trustee, executor or liquidator of a succession or holder of a power of attorney in the two-year period before the day of appointment; and

(g) any other information that the Commissioner considers necessary to ensure that the reporting public office holder is in compliance with this Act.

Additional content

(3) A minister of the Crown, minister of state or parliamentary secretary shall make reasonable efforts to include in the report the information referred to in subsection (2) for each member of his or her family.

Benefits from contracts

(4) A reporting public office holder shall include in the report a description of all benefits that he or she, any member of his or her family or any partnership or private corporation in which he or she or a member of his or her family has an interest is entitled to receive during the 12 months after the day of appointment, as a result of a contract with a public sector entity and the report must include a description of the subject-matter and nature of the contract.

Notification of material change

(5) If there is a material change in any matter in respect of which a reporting public office holder is required to provide a confidential report under this section, the reporting public office holder shall, within 30 days after the change, file a report with the Commissioner describing the material change.

Disclosure of gifts

23. If the total value of all gifts or other advantages accepted by a reporting public office holder or a member of his or her family exceeds \$200 from any one source other than relatives and friends in a 12-month period, the reporting public office holder shall disclose the

d) la liste détaillée de toutes les activités visées à l'article 15 auxquelles il a participé au cours des deux années précédant la date de sa nomination;

e) la liste détaillée de toutes les activités philanthropiques, caritatives ou à but non lucratif auxquelles il a participé au cours des deux années précédant la date de sa nomination;

f) la liste détaillée de toutes les activités qu'il a exercées à titre de fiduciaire, de liquidateur d'une succession, d'exécuteur ou de mandataire au cours des deux années précédant la date de sa nomination;

g) tout autre renseignement que le commissaire estime nécessaire pour s'assurer que le titulaire de charge publique principal se conforme à la présente loi.

(3) Il incombe au ministre, ministre d'État ou secrétaire parlementaire de déployer des efforts raisonnables pour inclure dans le rapport les renseignements visés au paragraphe (2) pour tous les membres de sa famille.

(4) Il incombe à tout titulaire de charge publique principal d'inclure dans le rapport tout avantage que lui-même ou un membre de sa famille, ainsi que toute société de personnes ou société privée dans laquelle lui-même ou un membre de sa famille détient un intérêt, est en droit de recevoir au cours des douze mois suivant la date de sa nomination en raison de tout contrat conclu avec une entité du secteur public, avec explication de l'objet et de la nature du contrat.

(5) Si un changement important survient dans quelque affaire pour laquelle le titulaire de charge publique principal doit fournir un rapport confidentiel en vertu du présent article, il incombe à celui-ci, dans les trente jours suivant le changement, de fournir au commissaire un rapport faisant état du changement.

23. Si la valeur totale de tous les cadeaux et autres avantages acceptés par le titulaire de charge publique principal ou un membre de sa famille d'une même source autre que les parents et les amis du titulaire excède 200 \$ sur une période de douze mois, il incombe à ce der-

Contenu supplémentaire du rapport

Avantages provenant de contrats avec l'administration fédérale

Avis de changement important

Déclaration de cadeaux et autres avantages

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gifts or other advantages to the Commissioner within 30 days after the day on which the value exceeds \$200.

nier d'en faire état au commissaire dans les trente jours suivant celui où la valeur des cadeaux et avantages excède ce montant.

Disclosure of offers

24. (1) A reporting public office holder shall disclose in writing to the Commissioner within seven days all firm offers of outside employment.

24. (1) Le titulaire de charge publique principal communique par écrit au commissaire, dans les sept jours, toute offre ferme d'emploi de l'extérieur.

Communication des offres

Disclosure of acceptance

(2) A reporting public office holder who accepts an offer of outside employment shall within seven days disclose his or her acceptance of the offer in writing to the Commissioner as well as to the following persons:

(2) S'il accepte une offre d'emploi de l'extérieur, il en avise par écrit, dans les sept jours, le commissaire et les personnes suivantes :

Communication de l'acceptation

(a) in the case of a minister of the Crown or minister of state, to the Prime Minister;

a) le premier ministre, dans le cas d'un ministre ou d'un ministre d'État;

(b) in the case a parliamentary secretary, to the minister whom the parliamentary secretary assists;

b) le ministre auprès de qui il a été affecté, dans le cas d'un secrétaire parlementaire;

(c) in the case of deputy heads, to the Clerk of the Privy Council; and

c) le greffier du Conseil privé, dans le cas d'un administrateur général;

(d) in the case of any other reporting public office holder, to the appropriate minister.

d) le ministre en cause, dans le cas de tout autre titulaire de charge publique principal.

PUBLIC DECLARATION

DÉCLARATION PUBLIQUE

Public declaration — refusal

25. (1) If a reporting public office holder has recused himself or herself to avoid a conflict of interest, the reporting public office holder shall, within 60 days after the day on which the refusal took place, make a public declaration of the refusal that provides sufficient detail to identify the conflict of interest that was avoided.

25. (1) Si un titulaire de charge publique principal se refuse pour éviter un conflit d'intérêts, il lui incombe de faire, dans les soixante jours suivant la récusation, une déclaration publique dans laquelle il fournit des détails suffisants pour exposer le conflit d'intérêts évité.

Déclaration publique : récusation

Public declaration — certain assets

(2) A reporting public office holder shall, within 120 days after the day on which he or she is appointed as a public office holder, make a public declaration of all of his or her assets that are neither controlled assets nor exempt assets.

(2) Il incombe au titulaire de charge publique de faire, dans les cent vingt jours suivant sa nomination, une déclaration publique de ses biens qui ne sont ni des biens contrôlés ni des biens exclus.

Déclaration publique : certains biens

Public declaration — liabilities

(3) A minister of the Crown, minister of state or parliamentary secretary shall, within 120 days after the day on which he or she is appointed, make a public declaration with respect to all of his or her liabilities of \$10,000 or more that provides sufficient detail to identify the source and nature of the liability but not the amount.

(3) Le ministre, le ministre d'État ou le secrétaire parlementaire, dans les cent vingt jours suivant sa nomination, est tenu de faire, concernant toute dette égale ou supérieure à 10 000 \$, une déclaration publique dans laquelle il fournit des détails suffisants pour en identifier la source et la nature, mais non la valeur.

Déclaration publique : dettes

Public declaration — outside activities

(4) If a reporting public office holder holds a position referred to in subsection 15(2) or (3), the reporting public office holder shall, within

(4) Le titulaire de charge publique principal qui occupe un poste visé aux paragraphes 15(2) ou (3) est tenu, dans les cent vingt jours suivant

Déclaration publique : activités extérieures

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	120 days after the day on which he or she is appointed, make a public declaration of that fact.	sa nomination, de faire une déclaration publique à cet effet.	
Public declaration — gifts	(5) If a reporting public office holder or a member of his or her family accepts any single gift or other advantage that has a value of \$200 or more, other than one from a relative or friend, the reporting public office holder shall, within 30 days after accepting the gift or other advantage, make a public declaration that provides sufficient detail to identify the gift or other advantage accepted, the donor and the circumstances under which it was accepted.	(5) Si le titulaire de charge publique principal ou un membre de sa famille accepte un cadeau ou autre avantage d'une valeur de 200 \$ ou plus, à l'exclusion d'un cadeau ou autre avantage provenant d'un parent ou d'un ami, il lui incombe de faire, dans les trente jours suivant l'acceptation du cadeau ou de l'avantage, une déclaration publique dans laquelle il fournit des détails suffisants pour identifier le cadeau ou l'avantage accepté, le nom du donateur et les circonstances dans lesquelles le don a été accepté.	Déclaration publique : cadeaux et autres avantages
Public declaration — travel	(6) If travel has been accepted in accordance with section 12, from any source, the minister of the Crown, minister of state or parliamentary secretary concerned shall, within 30 days after the acceptance, make a public declaration that provides sufficient detail to identify the source and the circumstances under which the travel was accepted.	(6) Si un voyage a été accepté au titre de l'article 12, de quelque source que ce soit, le ministre, le ministre d'État ou le secrétaire parlementaire est tenu, dans les trente jours suivant l'acceptation du voyage, de faire une déclaration publique dans laquelle il fournit des détails suffisants au sujet de la source et des circonstances dans lesquelles le voyage a été accepté.	Déclaration publique : voyages
Summary statement	26. (1) A reporting public office holder shall, within 120 days after the day on which he or she is appointed, sign a summary statement containing the information required under subsection (2) and provide it to the Commissioner.	26. (1) Il incombe au titulaire de charge publique principal de signer et de fournir au commissaire, dans les cent vingt jours suivant sa nomination, une déclaration sommaire contenant les renseignements visés au paragraphe (2).	Déclaration sommaire
Content	(2) The summary statement must contain the following: (a) for each controlled asset of the reporting public officer holder, and for each asset of the reporting public office holder that the Commissioner has ordered divested under section 30, a description of the asset and the method used to divest it; (b) for each matter in respect of which the Commissioner has ordered a reporting public office holder to recuse himself or herself under section 30, a description of the matter and information regarding the process to be put in place by the reporting public office holder and others to effect the recusal; and (c) for any other matter in respect of which the Commissioner has issued an order to the reporting public office holder under section 30, a description of the matter and the order, and the steps taken to comply with the order.	(2) La déclaration sommaire contient les renseignements suivants : a) pour tout bien contrôlé du titulaire de charge publique principal et tout bien de celui-ci qui fait l'objet d'une ordonnance de dessaisissement en vertu de l'article 30, la liste des biens et des dispositions qu'il a prises pour s'en dessaisir; b) pour toute affaire qui fait l'objet d'une ordonnance de récusation en vertu de l'article 30, une description de l'affaire et les renseignements concernant les dispositions à prendre par lui ou toute autre personne par suite de sa récusation; c) pour toute autre affaire qui fait l'objet d'une ordonnance en vertu de l'article 30, une description de l'affaire, de l'ordonnance et des dispositions qu'il a prises pour se conformer à l'ordonnance.	Contenu

DIVESTMENT

DESSAISISSEMENT

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Divestment on appointment	<p>27. (1) Subject to subsections (9) and (10), a reporting public office holder shall, within 120 days after the day on which he or she is appointed as a reporting public office holder, divest each of his or her controlled assets by doing one of the following:</p> <p>(a) selling it in an arm's-length transaction; or</p> <p>(b) placing it in a blind trust that meets the requirements of subsection (4).</p>	<p>27. (1) Sous réserve des paragraphes (9) et (10), il incombe au titulaire de charge publique principal, dans les cent vingt jours suivant sa nomination, de se dessaisir de ses biens contrôlés de l'une des façons suivantes :</p> <p>a) vente à un tiers avec qui il n'a aucun lien de dépendance;</p> <p>b) dépôt dans une fiducie sans droit de regard qui satisfait aux exigences du paragraphe (4).</p>	Dessaisissement : nomination
Divestment of gift or bequest	<p>(2) Subject to subsections (9) and (10), a reporting public office holder shall, within 120 days after the day on which he or she receives controlled assets by way of gift or testamentary disposition or in any other way over which the reporting public office holder has no control, divest the controlled assets in the manner required by subsection (1).</p>	<p>(2) Sous réserve des paragraphes (9) et (10), il lui incombe également, dans les cent vingt jours suivant leur réception, de se dessaisir des biens contrôlés qu'il a reçus en cadeau, par legs ou de quelque autre manière indépendante de sa volonté de l'une des façons prévues au paragraphe (1).</p>	Dessaisissement : cadeaux ou legs
Prohibition on blind management agreement	<p>(3) For greater certainty, a reporting public office holder may not divest his or her controlled assets by any measure other than one referred to in subsection (1), including by placing them in a blind management agreement.</p>	<p>(3) Il est entendu qu'il ne peut se dessaisir de ses biens contrôlés autrement que de l'une des façons prévues au paragraphe (1), notamment en les assujettissant à une convention de gestion sans droit de regard.</p>	Précision
Blind trust requirements	<p>(4) The terms of a blind trust must provide that</p> <p>(a) the assets to be placed in trust shall be registered to the trustee unless they are in a registered retirement savings plan account;</p> <p>(b) the reporting public office holder shall not have any power of management or control over the trust assets;</p> <p>(c) the trustee shall not seek or accept any instruction or advice from the reporting public office holder concerning the management or the administration of the assets;</p> <p>(d) the assets placed in the trust shall be listed on a schedule attached to the instrument or contract establishing the trust;</p> <p>(e) the term of any trust shall be for as long as the reporting public office holder who establishes the trust continues to hold his or her office, or until the trust assets have been depleted;</p> <p>(f) the trustee shall deliver the trust assets to the reporting public office holder when the trust is terminated;</p> <p>(g) the trustee shall not provide information about the trust, including its composition, to</p>	<p>(4) La convention de fiducie sans droit de regard obéit aux règles suivantes :</p> <p>a) les biens placés en fiducie sont inscrits au nom du fiduciaire à moins qu'ils ne soient placés dans un régime enregistré d'épargne-retraite;</p> <p>b) le titulaire ne peut exercer aucun pouvoir de gestion ni de contrôle sur les biens en fiducie;</p> <p>c) le fiduciaire ne peut ni demander ni recevoir des instructions ou des conseils du titulaire au sujet de la gestion ou de l'administration des biens;</p> <p>d) la liste des biens en fiducie est annexée à la convention;</p> <p>e) la fiducie continue d'exister tant que le titulaire de charge publique principal qui l'a établie occupe son poste; elle doit être dissoute dès qu'elle ne contient plus de biens;</p> <p>f) le fiduciaire remet les biens en fiducie au titulaire dès que la fiducie prend fin;</p> <p>g) le fiduciaire ne doit fournir que les renseignements requis pour les déclarations exigées par la loi et les rapports périodiques sur la valeur globale de la fiducie, sans jamais</p>	Fiducies sans droit de regard : exigences

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the reporting public office holder, except for information that is required by law to be filed by the reporting public office holder and periodic reports on the overall value of the trust;

(h) the reporting public office holder may receive any income earned by the trust, and add to or withdraw from the capital funds in the trust;

(i) the trustee shall be at arm's length from the reporting public office holder and the Commissioner is to be satisfied that an arm's length relationship exists;

(j) the trustee must be

(i) a public trustee,

(ii) a public company, including a trust company or investment company, that is known to be qualified to perform the duties of a trustee, or

(iii) an individual who may perform trustee duties in the normal course of his or her work; and

(k) the trustee shall provide the Commissioner, on every anniversary of the trust, a written annual report verifying as to accuracy the nature and market value of the trust, a reconciliation of the trust property, the net income of the trust for the preceding year, and the fees of the trustee, if any.

(5) Despite subsection (4), general investment instructions may be included in a blind trust instrument or contract but only with the prior approval of the Commissioner. The instructions may provide for proportions to be invested in various categories of risk, but may not be industry-specific, except if there are legislative restrictions on the type of assets that a public office holder may own.

(6) For greater certainty, no oral investment instructions may be given with respect to a blind trust contract or instrument.

(7) A reporting public office holder shall provide to the Commissioner a confirmation of sale or a copy of any contract or instrument es-

fournir de renseignements concernant la composition de celle-ci;

h) le titulaire peut toucher les revenus générés par la fiducie, y déposer ou en retirer des capitaux;

i) le fiduciaire ne doit avoir aucun lien de dépendance avec le titulaire, et le commissaire doit en être convaincu;

j) le fiduciaire doit être :

(i) soit un fiduciaire public,

(ii) soit une société ouverte, telle qu'une société de fiducie ou de placement, qui a qualité pour s'acquitter des fonctions de fiduciaire,

(iii) soit encore un particulier qui peut s'acquitter de ce genre de tâches dans le cadre de son travail;

k) le fiduciaire est tenu de fournir au commissaire, le jour anniversaire de l'établissement de la fiducie, un rapport annuel écrit indiquant la nature, la valeur marchande et un rapprochement des biens de la fiducie, le bénéfice net de la fiducie de l'année précédente et, le cas échéant, les honoraires du fiduciaire.

(5) Malgré le paragraphe (4), des instructions générales d'investissement peuvent être incluses dans une convention de fiducie sans droit de regard pourvu qu'elles soient approuvées au préalable par le commissaire. Les instructions peuvent indiquer la répartition en pourcentage des sommes à investir dans diverses catégories de risque, mais elles ne peuvent faire état de secteurs particuliers d'activités économiques, sauf dans le cas où des dispositions législatives limitent le type de biens que le titulaire d'une charge publique peut posséder.

(6) Il est entendu qu'aucune instruction verbale n'est permise à l'égard d'une convention de fiducie sans droit de regard.

(7) Le titulaire fournit au commissaire une confirmation de la vente ou une copie de la convention de fiducie pour tout bien contrôlé

General investment instructions

Instructions générales d'investissement

No oral instructions

Aucune instruction verbale

Confirmation of sale or trust

Confirmation de la vente ou de la fiducie

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	<p>establishing the trust in respect of any controlled asset divested under subsection (1).</p>	<p>dont il s'est dessaisi en conformité avec le paragraphe (1).</p>	
Information confidential	<p>(8) Unless otherwise required by law, the Commissioner shall keep confidential all information provided by a reporting public office holder relating to a divestment under subsection (1), except the fact that a sale has taken place or that a trust exists.</p>	<p>(8) À l'exception de la déclaration confirmant la vente ou l'existence d'une fiducie, les renseignements fournis au commissaire par le titulaire concernant le dessaisissement doivent demeurer confidentiels sauf indication contraire de la loi.</p>	Renseignements confidentiels
Security	<p>(9) Subject to the approval of the Commissioner, a reporting public office holder is not required to divest controlled assets that are given as security to a lending institution.</p>	<p>(9) Sous réserve de l'approbation du commissaire, le titulaire n'est pas tenu de se dessaisir de biens contrôlés qui ont été remis en garantie à un établissement de crédit.</p>	Garanties
Assets of minimal value	<p>(10) A reporting public office holder who is not a minister of the Crown, a minister of state or a parliamentary secretary is not required to divest controlled assets if, in the opinion of the Commissioner, the assets are of such minimal value that they do not constitute any risk of conflict of interest in relation to the reporting public office holder's official duties and responsibilities.</p>	<p>(10) Le titulaire autre qu'un ministre, un ministre d'État ou un secrétaire parlementaire n'est pas tenu de se dessaisir des biens contrôlés qui, de l'avis du commissaire, étant donné leur très faible valeur, ne posent aucun risque de conflit d'intérêts par rapport à ses fonctions officielles.</p>	Biens de faible valeur
FUNCTIONS OF THE COMMISSIONER		FONCTIONS DU COMMISSAIRE	
Annual review	<p>28. The Commissioner shall review annually with each reporting public office holder the information contained in his or her confidential reports and the measures taken to satisfy his or her obligations under this Act.</p>	<p>28. Le commissaire et le titulaire de charge publique principal examinent chaque année les renseignements contenus dans les rapports confidentiels ainsi que les mesures prises par le titulaire pour satisfaire les obligations qui incombent à ce dernier en vertu de la présente loi.</p>	Examen annuel
Determination of appropriate measures	<p>29. Before they are finalized, the Commissioner shall determine the appropriate measures by which a public office holder shall comply with this Act and, in doing so, shall try to achieve agreement with the public office holder.</p>	<p>29. Le commissaire détermine, avant qu'elle ne soit définitive, la mesure à appliquer pour que le titulaire de charge publique se conforme aux mesures énoncées dans la présente loi, et tente d'en arriver à un accord avec le titulaire de charge publique à ce sujet.</p>	Détermination des mesures pertinentes
Compliance order	<p>30. In addition to the specific compliance measures provided for in this Part, the Commissioner may order a public office holder, in respect of any matter, to take any compliance measure, including divestment or recusal, that the Commissioner determines is necessary to comply with this Act.</p>	<p>30. Outre les mesures d'observation prévues dans la présente partie, le commissaire peut ordonner au titulaire de charge publique de prendre, à l'égard de toute affaire, toute autre mesure qu'il estime nécessaire pour assurer l'observation de la présente loi, y compris le dessaisissement ou la récusation.</p>	Ordonnance
Reimbursement of costs	<p>31. (1) The Commissioner may order that the following administrative costs incurred by a public office holder be reimbursed:</p> <p>(a) in relation to a divestment of assets,</p> <p>(i) reasonable legal, accounting and transfer costs to establish and terminate a trust</p>	<p>31. (1) Le commissaire peut ordonner le remboursement au titulaire de charge publique des frais d'administration suivants :</p> <p>a) s'agissant du dessaisissement de biens :</p> <p>(i) les frais juridiques et les frais de comptabilité et de transfert engagés pour établir</p>	Remboursement des frais

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determined to be necessary by the Commissioner,

(ii) annual, actual and reasonable costs to maintain and administer the trust, in accordance with rates set from time to time by the Commissioner,

(iii) commissions for transferring, converting or selling assets where determined necessary by the Commissioner,

(iv) costs of other financial, legal or accounting services required because of the complexity of the arrangements for the assets, and

(v) commissions for transferring, converting or selling assets if there are no provisions for a tax deduction under the *Income Tax Act*; and

(b) in relation to a withdrawal from activities, the costs of removing a public office holder's name from federal or provincial registries of corporations.

Restriction

(2) The following administrative costs are not eligible to be reimbursed under subsection (1):

(a) charges for the day-to-day operations of a business or commercial entity;

(b) charges associated with winding down a business;

(c) costs for acquiring permitted assets using proceeds from the required sale of other assets; and

(d) any income tax adjustment that may result from the reimbursement of trust costs.

Post-employment obligations

32. Before a public office holder's last day in office, the Commissioner shall advise the public office holder of his or her obligations under Part 3.

PART 3

POST-EMPLOYMENT

RULES FOR ALL FORMER PUBLIC OFFICE HOLDERS

Prohibitions after leaving office

33. No former public office holder shall act in such a manner as to take improper advantage of his or her previous public office.

ou mettre fin à la fiducie que le commissaire a jugée nécessaire,

(ii) les frais annuels, réels et raisonnables, engagés pour le maintien et l'administration de la fiducie selon les tarifs établis par le commissaire,

(iii) les commissions pour le transfert, la conversion ou la vente des biens que le commissaire a jugé nécessaire,

(iv) les frais relatifs aux autres services financiers, juridiques ou comptables nécessaires en raison de la complexité des arrangements,

(v) les commissions afférentes au transfert, à la conversion ou à la vente de biens lorsque la *Loi de l'impôt sur le revenu* ne prévoit aucune déduction fiscale;

b) s'agissant du retrait des activités, les frais engagés pour faire rayer le nom du titulaire des registres fédéraux et provinciaux des sociétés.

(2) Ne peuvent être remboursés, au titre du paragraphe (1), les frais suivants :

a) les frais d'exploitation quotidiens d'une entreprise ou d'une entité commerciale;

b) les frais relatifs à la fermeture d'une entreprise;

c) le coût d'acquisition des biens autorisés achetés avec le produit de la vente d'autres biens;

d) le rajustement de l'impôt sur le revenu qui peut découler du remboursement des frais de fiducie.

Restrictions

32. Avant le départ officiel d'un titulaire de charge publique, le commissaire lui fait part de ses obligations d'après-mandat au titre de la partie 3.

PARTIE 3

L'APRÈS-MANDAT

RÈGLES RÉGISSANT TOUS LES EX-TITULAIRES DE CHARGE PUBLIQUE

Obligations d'après-mandat : rappel

33. Il est interdit à tout ex-titulaire de charge publique d'agir de manière à tirer un avantage indu de sa charge antérieure.

Interdictions d'après-mandat

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Previously acting for Crown	34. (1) No former public office holder shall act for or on behalf of any person or organization in connection with any specific proceeding, transaction, negotiation or case to which the Crown is a party and with respect to which the former public office holder had acted for, or provided advice to, the Crown.	34. (1) Il est interdit à tout ex-titulaire de charge publique d'agir au nom ou pour le compte d'une personne ou d'un organisme relativement à une instance, une opération, une négociation ou une autre affaire à laquelle la Couronne est partie et dans laquelle il a représenté ou conseillé celle-ci.	Représentation antérieure de la Couronne
Improper information	(2) No former public office holder shall give advice to his or her client, business associate or employer using information that was obtained in his or her capacity as a public office holder and is not available to the public.	(2) Il est interdit à tout ex-titulaire de charge publique de donner à ses clients, ses associés en affaires ou son employeur des conseils fondés sur des renseignements non accessibles au public obtenus lors de son mandat.	Renseignements inappropriés
RULES FOR FORMER REPORTING PUBLIC OFFICE HOLDERS		RÈGLES RÉGISSANT LES EX-TITULAIRES DE CHARGE PUBLIQUE PRINCIPAUX	
Prohibition on contracting	35. (1) No former reporting public office holder shall enter into a contract of service with, accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he or she had direct and significant official dealings during the period of one year immediately before his or her last day in office.	35. (1) Il est interdit à tout ex-titulaire de charge publique principal de conclure un contrat de travail ou d'accepter une nomination au conseil d'administration d'une entité avec laquelle il a eu des rapports officiels directs et importants au cours de l'année ayant précédé la fin de son mandat, ou d'accepter un emploi au sein d'une telle entité.	Interdiction : contrats
Prohibition on representations	(2) No former reporting public office holder shall make representations whether for remuneration or not, for or on behalf of any other person or entity to any department, organization, board, commission or tribunal with which he or she had direct and significant official dealings during the period of one year immediately before his or her last day in office.	(2) Il est interdit à tout ex-titulaire de charge publique principal d'intervenir, contre rémunération ou non, pour le compte ou au nom de toute personne ou entité, auprès d'un ministère, d'un organisme, d'un conseil, d'une commission ou d'un tribunal avec lequel il a eu des rapports officiels directs et importants au cours de l'année ayant précédé la fin de son mandat.	Interdiction : représentations
Prohibition on former ministers	(3) No former reporting public office holder who was a minister of the Crown or minister of state shall make representations to a current minister of the Crown or minister of state who was a minister of the Crown or a minister of state at the same time as the former reporting public office holder.	(3) Il est interdit à tout ex-titulaire de charge publique principal qui était ministre ou ministre d'État d'intervenir auprès d'un ancien collègue faisant encore partie du cabinet.	Interdiction : anciens ministres
Time limits: former reporting public office holder	36. (1) With respect to all former reporting public office holders except former ministers of the Crown and former ministers of state, the prohibitions set out in subsections 35(1) and (2) apply for the period of one year following the former reporting public office holder's last day in office.	36. (1) Dans le cas de tout ex-titulaire de charge publique principal qui n'était pas ministre ou ministre d'État, les interdictions visées aux paragraphes 35(1) et (2) s'appliquent pendant un an à compter de la fin de son mandat.	Période de restriction : ex-titulaires de charge publique principaux
Time limits: former ministers	(2) With respect to former ministers of the Crown and former ministers of state, the prohibitions set out in subsections 35(1) to (3) apply for a period of two years following their last day in office.	(2) Dans le cas de tout ancien ministre ou ministre d'État, les interdictions visées aux paragraphes 35(1) à (3) s'appliquent pendant deux ans à compter de la fin de son mandat.	Période de restriction : anciens ministres

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Report to Commissioner	<p>37. (1) A former reporting public office holder who, during the applicable period under section 36, has any communication referred to in paragraph 5(1)(a) of the <i>Lobbying Act</i> or arranges a meeting referred to in paragraph 5(1)(b) of that Act shall report that communication or meeting to the Commissioner.</p>	<p>37. (1) L'ex-titulaire de charge publique principal qui communique, en vertu de l'alinéa 5(1)a) de la <i>Loi sur le lobbying</i>, ou qui obtient une entrevue, en vertu de l'alinéa 5(1)b) de cette loi, avec un titulaire de charge publique durant la période applicable visée à l'article 36 est tenu d'en faire rapport au commissaire.</p>	Rapport au commissaire
Requirement to file return	<p>(2) The former reporting public office holder shall file a return that</p> <p>(a) sets out, with respect to every communication or meeting referred to in subsection (1),</p> <p>(i) the name of the public office holder who was the object of the communication or meeting,</p> <p>(ii) the date of the communication or meeting,</p> <p>(iii) particulars to identify the subject-matter of the communication or meeting, and</p> <p>(iv) any other information that the Commissioner requires; and</p> <p>(b) if any information contained in the return is no longer correct or additional information that the former reporting public office holder would have been required to provide in the return has come to his or her knowledge after the return was filed, provides the corrected or additional information.</p> <p>2006, c. 9, ss. 2 "37", 36.</p>	<p>(2) L'ex-titulaire de charge publique principal fournit une déclaration dans laquelle figurent les renseignements suivants :</p> <p>a) relativement à toute communication ou entrevue visée au paragraphe (1), le nom du titulaire, la date de la communication ou de l'entrevue, les renseignements utiles à la détermination de l'objet de la communication ou de l'entrevue et tout autre renseignement exigé par le commissaire;</p> <p>b) tout changement des renseignements contenus dans la déclaration ainsi que tout renseignement additionnel qu'il aurait été tenu de fournir dans la déclaration mais qui n'a été porté à sa connaissance qu'après la transmission de sa déclaration.</p> <p>2006, ch. 9, art. 2 « 37 » et 36.</p>	Déclaration
Exemption	<p>38. (1) The Commissioner may, on application, exempt from the application of section 35 or 37 a former reporting public office holder who, while in office, was a member of ministerial staff who worked on average 15 hours or more a week.</p>	<p>38. (1) Le commissaire peut, sur demande, soustraire à l'application des articles 35 ou 37 l'ex-titulaire de charge publique principal qui, pendant son mandat, était membre du personnel ministériel et travaillait en moyenne quinze heures ou plus par semaine.</p>	Exemption
Criteria	<p>(2) An exemption may only be granted under subsection (1) in respect of a person based on the following criteria:</p> <p>(a) the person was not a senior member of ministerial staff;</p> <p>(b) the person's functions did not include the handling of files of a political or sensitive nature, such as confidential cabinet documents;</p> <p>(c) the person had little influence, visibility or decision-making power in the office of a</p>	<p>(2) L'exemption ne peut être accordée qu'après la prise en compte des critères suivants :</p> <p>a) l'intéressé n'était pas membre supérieur d'un personnel ministériel;</p> <p>b) ses fonctions ne lui donnent pas accès à des dossiers de nature politique ou délicate, tels que des documents confidentiels du cabinet;</p>	Critères

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	minister of the Crown or a minister of state; and (d) the person's salary level was not commensurate with the person having an important role in that office.	c) il avait peu d'influence, de visibilité ou de pouvoir de prendre des décisions au sein du cabinet d'un ministre ou ministre d'État; d) son niveau de salaire n'indiquait pas un rôle déterminant au sein du cabinet.	
Notice of decision	(3) The decision made by the Commissioner shall be communicated in writing to the person who applied for the exemption.	(3) La décision prise par le commissaire est communiquée par écrit à la personne qui a demandé l'exemption.	Communication de la décision
Publication	(4) If the Commissioner has granted an exemption in accordance with this section, the Commissioner shall publish the decision and the reasons in the public registry maintained under section 51.	(4) Si le commissaire a accordé une exemption en vertu du présent article, il publie sa décision motivée dans le registre visé à l'article 51.	Publication
FUNCTIONS OF THE COMMISSIONER			
Waiver or reduction of limitations	39. (1) On application by a reporting public office holder or a former reporting public office holder, the Commissioner may waive or reduce any applicable period set out in section 36.	39. (1) À la demande d'un titulaire de charge publique principal ou d'un ex-titulaire de charge publique principal, le commissaire peut réduire ou annuler la période de restriction prévue à l'article 36.	Réduction ou annulation de la période de restriction
Balancing	(2) In exercising his or her discretion under subsection (1), the Commissioner shall consider whether the public interest in granting the waiver or reduction outweighs the public interest in maintaining the prohibition.	(2) Pour décider si une telle mesure est opportune, le commissaire doit se demander si l'intérêt public serait mieux servi par la réduction ou l'annulation de cette période que par le maintien de celle-ci.	Soupeser l'intérêt public
Factors to be considered	(3) In determining the public interest for the purposes of subsection (2), the Commissioner shall consider the following factors: (a) the circumstances under which the reporting public office holder left his or her office; (b) the general employment prospects of the reporting public office holder or former reporting public office holder; (c) the nature, and significance to the Government of Canada, of information possessed by the reporting public office holder or former reporting public office holder by virtue of that office holder's public office; (d) the facilitation of interchange between the private and public sector; (e) the degree to which the new employer might gain unfair commercial advantage by hiring the reporting public office holder or former reporting public office holder; (f) the authority and influence possessed by the reporting public office holder or former	(3) Pour ce faire, il tient compte des facteurs suivants : a) les circonstances du départ de l'intéressé; b) ses perspectives générales d'emploi; c) la nature et l'importance que l'État attache aux renseignements obtenus par l'intéressé dans le cadre de ses fonctions officielles; d) la facilitation des échanges entre les secteurs privé et public; e) la mesure dans laquelle le nouvel employeur pourrait tirer un avantage commercial indu de l'engagement de l'intéressé; f) l'autorité et l'influence qu'exerçait l'intéressé durant l'accomplissement de ses fonctions officielles; g) les dispositions prises dans d'autres cas.	Facteurs à considérer

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	reporting public office holder while in public office; and (g) the disposition of other cases.		
Notice of decision	(4) The decision made by the Commissioner shall be communicated in writing to the applicant referred to in subsection (1).	(4) Le commissaire communique sa décision par écrit à l'intéressé.	Communication de la décision
Publication	(5) If the Commissioner has granted a waiver or reduction in accordance with this section, the Commissioner shall publish the decision and the reasons in the public registry maintained under section 51.	(5) Lorsque le commissaire accorde une réduction ou une annulation en vertu du présent article, il publie sa décision, et les motifs à l'appui, dans le registre public tenu conformément à l'article 51.	Publication
Decision of Commissioner	40. On receipt of a report under section 37, the Commissioner shall immediately determine whether the former reporting public office holder is complying with his or her obligations under this Part.	40. Sur réception du rapport prévu à l'article 37, le commissaire vérifie sans délai si l'ex-titulaire de charge publique principal s'est conformé aux obligations qui lui incombent en vertu de la présente partie.	Décision du commissaire
Order: official dealings	41. (1) If the Commissioner determines that a former reporting public office holder is not complying with his or her obligations under this Part, the Commissioner may order any current public office holders not to have official dealings with that former reporting public office holder.	41. (1) S'il conclut qu'un ex-titulaire de charge publique principal ne s'est pas conformé aux obligations qui lui incombent en vertu de la présente partie, le commissaire peut ordonner à tout titulaire de charge publique en poste de ne pas entretenir de rapports officiels avec l'ex-titulaire de charge publique principal.	Ordonnance — rapports officiels
Duty to comply with order	(2) All current public officer holders shall comply with an order of the Commissioner made under subsection (1).	(2) Il incombe à tout titulaire de charge publique en poste de se conformer à toute ordonnance du commissaire prise en vertu du paragraphe (1).	Devoir de se conformer à l'ordonnance
No impact	42. For greater certainty, no exemption granted in respect of a person under section 38 and no waiver or reduction granted in respect of a person under section 39 affects any obligation or prohibition that applies to that person under the <i>Lobbying Act</i> . 2006, c. 9, ss. 2 "42", 35.	42. Il est entendu que l'exemption accordée à l'égard d'une personne en vertu de l'article 38, ou que la réduction ou l'annulation accordée en vertu de l'article 39 est sans effet sur les obligations et interdictions auxquelles est assujéti l'intéressé sous le régime de la <i>Loi sur le lobbying</i> . 2006, ch. 9, art. 2 « 42 » et 35.	Précision

PART 4

ADMINISTRATION AND ENFORCEMENT

MANDATE AND POWERS OF THE COMMISSIONER

Confidential advice	43. In addition to carrying out his or her other duties and functions under this Act, the Commissioner shall (a) provide confidential advice to the Prime Minister, including on the request of the Prime Minister, with respect to the application of this Act to individual public office holders; and
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PARTIE 4

ADMINISTRATION ET APPLICATION

MISSION ET POUVOIRS DU COMMISSAIRE

Avis	43. En plus d'appliquer la présente loi relativement à ses fonctions, le commissaire donne, à titre confidentiel : (a) des avis au premier ministre, notamment, à sa demande, sur l'application de la présente loi à un titulaire de charge publique; (b) des avis au titulaire de charge publique sur les obligations de la présente loi qui lui incombent.
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	(b) provide confidential advice to individual public office holders with respect to their obligations under this Act.		
Request from parliamentarian	44. (1) A member of the Senate or House of Commons who has reasonable grounds to believe that a public office holder or former public office holder has contravened this Act may, in writing, request that the Commissioner examine the matter.	44. (1) Tout parlementaire qui a des motifs raisonnables de croire qu'un titulaire ou ex-titulaire de charge publique a contrevenu à la présente loi peut demander par écrit au commissaire d'étudier la question.	Demande émanant d'un parlementaire
Content of request	(2) The request shall identify the provisions of this Act alleged to have been contravened and set out the reasonable grounds for the belief that the contravention has occurred.	(2) La demande énonce les dispositions de la présente loi qui auraient été enfreintes et les motifs raisonnables sur lesquels elle est fondée.	Contenu
Examination	(3) If the Commissioner determines that the request is frivolous or vexatious or is made in bad faith, he or she may decline to examine the matter. Otherwise, he or she shall examine the matter described in the request and, having regard to all the circumstances of the case, may discontinue the examination.	(3) S'il juge la demande futile, vexatoire ou entachée de mauvaise foi, le commissaire peut refuser d'examiner la question. Sinon, il est tenu de procéder à l'étude de la question qu'elle soulève et peut, compte tenu des circonstances, mettre fin à l'étude.	Étude
Information from public	(4) In conducting an examination, the Commissioner may consider information from the public that is brought to his or her attention by a member of the Senate or House of Commons indicating that a public office holder or former public office holder has contravened this Act. The member shall identify the alleged contravention and set out the reasonable grounds for believing a contravention has occurred.	(4) Dans le cadre de l'étude, le commissaire peut tenir compte des renseignements provenant du public qui lui sont communiqués par tout parlementaire et qui portent à croire que l'intéressé a contrevenu à la présente loi. Le parlementaire doit préciser la contravention présumée ainsi que les motifs raisonnables qui le portent à croire qu'une contravention a été commise.	Renseignements provenant du public
Confidentiality	(5) If a member of the Senate or House of Commons receives information referred to in subsection (4), the member, while considering whether to bring that information to the attention of the Commissioner, shall not disclose that information to anyone. If the member brings that information to the attention of the Commissioner under that subsection, the member shall not disclose that information to anyone until the Commissioner has issued a report under this section in respect of the information.	(5) Le parlementaire qui reçoit les renseignements visés au paragraphe (4) ne peut les communiquer à quiconque pendant qu'il décide s'ils devront être communiqués au commissaire en vertu de ce paragraphe. Si le parlementaire communique les renseignements au commissaire, il ne peut les communiquer à quiconque avant d'avoir remis le rapport prévu au présent article.	Confidentialité
Referral to Speaker	(6) Where the Commissioner is of the opinion that a member of the Senate or House of Commons has failed to comply with the confidentiality provision of subsection (5), the Commissioner may refer the matter, in confidence, to the Speaker of the Senate or House of Commons.	(6) Dans les cas où le commissaire est d'avis que le parlementaire n'a pas respecté l'obligation de confidentialité prévue au paragraphe (5), il peut soumettre le cas, en toute confidentialité, au président du Sénat ou de la Chambre des communes.	Soumission au président
Report	(7) The Commissioner shall provide the Prime Minister with a report setting out the facts in question as well as the Commissioner's	(7) Le commissaire remet au premier ministre un rapport énonçant les faits, son analyse de la question et ses conclusions, même s'il	Suivi

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	analysis and conclusions in relation to the request. The report shall be provided even if the Commissioner determines that the request was frivolous or vexatious or was made in bad faith or the examination of the matter was discontinued under subsection (3).	juge la demande futile, vexatoire ou entachée de mauvaise foi, ou s'il a mis fin à l'étude en vertu du paragraphe (3).	
Making report available	(8) The Commissioner shall, at the same time that the report is provided under subsection (7), provide a copy of it to the member who made the request — and the public office holder or former public office holder who is the subject of the request — and make the report available to the public.	(8) En même temps qu'il remet le rapport, le commissaire en fournit un double à l'auteur de la demande et à l'intéressé, et le rend accessible au public.	Communication
Confidentiality	(9) The Commissioner may not include in the report any information that he or she is required to keep confidential.	(9) Il ne peut inclure dans le rapport des renseignements dont il est tenu d'assurer la confidentialité.	Confidentialité
Examination on own initiative	45. (1) If the Commissioner has reason to believe that a public office holder or former public office holder has contravened this Act, the Commissioner may examine the matter on his or her own initiative.	45. (1) Le commissaire peut étudier la question de son propre chef s'il a des motifs de croire qu'un titulaire ou ex-titulaire de charge publique a contrevenu à la présente loi.	Étude de son propre chef
Discontinuance	(2) The Commissioner, having regard to all the circumstances of the case, may discontinue the examination.	(2) Il peut, compte tenu des circonstances, interrompre l'étude.	Interruption
Report	(3) Unless the examination is discontinued, the Commissioner shall provide the Prime Minister with a report setting out the facts in question as well as the Commissioner's analysis and conclusions.	(3) À moins qu'il n'ait interrompu l'étude, il remet au premier ministre un rapport énonçant les faits, son analyse de la question et ses conclusions.	Suivi
Making report available	(4) The Commissioner shall, at the same time that the report is provided under subsection (3) to the Prime Minister, provide a copy of it to the public office holder or former public office holder who is the subject of the report and make the report available to the public.	(4) En même temps qu'il remet le rapport, il en fournit un double à l'intéressé visé et le rend accessible au public.	Communication
Presentation of views	46. Before providing confidential advice under paragraph 43(a) or a report under section 44 or 45, the Commissioner shall provide the public office holder or former public office holder concerned with a reasonable opportunity to present his or her views.	46. Avant de remettre son avis au titre de l'alinéa 43a) ou son rapport au titre des articles 44 ou 45, le commissaire donne à l'intéressé visé la possibilité de présenter son point de vue.	Point de vue
Conclusion in report final	47. A conclusion by the Commissioner set out in a report under section 44 or 45 that a public office holder or former public office holder has or has not contravened this Act may not be altered by anyone but is not determinative of the measures to be taken as a result of the report.	47. Est inattaquable la conclusion tirée par le commissaire, dans le rapport prévu aux articles 44 ou 45, sur la question de savoir si le titulaire ou l'ex-titulaire de charge publique a contrevenu ou non à la présente loi. Elle n'est toutefois pas décisive lorsqu'il s'agit de déterminer les mesures à prendre pour donner suite au rapport.	Caractère définitif

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Powers	<p>48. (1) For the purposes of paragraph 43(a) and sections 44 and 45, the Commissioner has the power to summon witnesses and require them</p> <p>(a) to give evidence — orally or in writing — on oath or, if they are persons entitled to affirm in civil matters, on affirmation; and</p> <p>(b) to produce any documents and things that the Commissioner considers necessary.</p>	<p>48. (1) Pour l'application de l'alinéa 43a) et des articles 44 et 45, le commissaire a le pouvoir d'assigner devant lui des témoins et de leur enjoindre de déposer oralement ou par écrit sous la foi du serment, ou d'une affirmation solennelle si ceux-ci en ont le droit en matière civile, et de produire les documents et autres pièces qu'il juge nécessaires.</p>	Pouvoirs
Enforcement	<p>(2) The Commissioner has the same power to enforce the attendance of witnesses and to compel them to give evidence as a court of record in civil cases.</p>	<p>(2) Il a, pour contraindre les témoins à comparaître et à déposer, les pouvoirs d'une cour d'archives en matière civile.</p>	Pouvoir de contrainte
Powers exercised in private	<p>(3) The powers referred to in subsections (1) and (2) shall be exercised in private.</p>	<p>(3) Les pouvoirs visés aux paragraphes (1) et (2) sont exercés à huis clos.</p>	Huis clos
Inadmissibility	<p>(4) Information given by a person under this section is inadmissible against the person in a court or in any proceeding, other than in a prosecution of the person for an offence under section 131 of the <i>Criminal Code</i> (perjury) in respect of a statement made to the Commissioner.</p>	<p>(4) Les renseignements communiqués dans le cadre du présent article ne sont pas admissibles contre le déposant devant les tribunaux ni dans quelque procédure, sauf dans le cas où il est poursuivi pour infraction à l'article 131 du <i>Code criminel</i> (parjure) relativement à sa déposition.</p>	Inadmissibilité
Confidentiality	<p>(5) Unless otherwise required by law, the Commissioner, and every person acting on behalf or under the direction of the Commissioner, may not disclose any information that comes to their knowledge in the performance of their duties and functions under this section, unless</p> <p>(a) the disclosure is, in the opinion of the Commissioner, essential for the purposes of carrying out his or her powers under subsection (1) or establishing the grounds for any conclusion contained in a report under section 44 or 45; or</p> <p>(b) the information is disclosed in a report referred to in paragraph (a) or in the course of a prosecution for an offence under section 131 of the <i>Criminal Code</i> (perjury) in respect of a statement made to the Commissioner.</p>	<p>(5) À moins que cela ne soit légalement requis, le commissaire et les personnes agissant en son nom ou sous son autorité ne peuvent communiquer les renseignements dont ils prennent connaissance dans l'exercice des attributions que le présent article leur confère, sauf dans les cas suivants :</p> <p>a) la communication des renseignements est essentielle, selon le commissaire, pour l'application du paragraphe (1) ou pour motiver les conclusions contenues dans le rapport prévu aux articles 44 ou 45;</p> <p>b) les renseignements sont communiqués dans le rapport prévu à l'alinéa a) ou dans le cadre de poursuites intentées pour infraction à l'article 131 du <i>Code criminel</i> (parjure) relativement à une déposition.</p>	Confidentialité
Suspension of examination	<p>49. (1) The Commissioner shall immediately suspend an examination under section 43, 44 or 45 if</p> <p>(a) the Commissioner believes on reasonable grounds that the public office holder or former public office holder has committed an offence under an Act of Parliament in respect of the same subject-matter, in which case the</p>	<p>49. (1) Le commissaire suspend sans délai l'étude visée aux articles 43, 44 ou 45 si, selon le cas :</p> <p>a) il a des motifs raisonnables de croire que le titulaire ou l'ex-titulaire de charge publique en cause a commis, relativement à l'objet de l'étude, une infraction à une loi fédérale</p>	Suspension de l'étude

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	Commissioner shall notify the relevant authorities; or	dérale, auquel cas il en avise l'autorité compétente;	
	(b) it is discovered that the subject-matter of the examination is also the subject-matter of an investigation to determine whether an offence referred to in paragraph (a) has been committed or that a charge has been laid in respect of that subject-matter.	b) l'on découvre que l'objet de l'étude est le même que celui d'une enquête menée dans le but de décider si une infraction visée à l'alinéa a) a été commise, ou qu'une accusation a été portée à l'égard du même objet.	
Investigation continued	(2) The Commissioner may not continue an examination until any investigation or charge in respect of the same subject-matter has been finally disposed of.	(2) Il ne peut poursuivre l'étude avant qu'une décision définitive n'ait été prise relativement à toute enquête ou à toute accusation portant sur le même objet.	Poursuite de l'étude
No summons	50. (1) The Commissioner, or any person acting on behalf or under the direction of the Commissioner, is not a competent or compellable witness in respect of any matter coming to his or her knowledge as a result of exercising any powers or performing any duties or functions of the Commissioner under this Act.	50. (1) Le commissaire et les personnes agissant en son nom ou sous son autorité n'ont pas qualité pour témoigner ni ne peuvent y être contraints en ce qui concerne les questions venues à leur connaissance dans l'exercice des attributions que la présente loi confère au commissaire.	Non-assignation
Protection	(2) No criminal or civil proceedings lie against the Commissioner, or any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith in the exercise or purported exercise of any power, or the performance or purported performance of any duty or function, of the Commissioner under this Act.	(2) Ils bénéficient de l'immunité en matière civile ou pénale pour les actes, les rapports ou comptes rendus et les paroles qui lui sont attribuables de bonne foi dans l'exercice effectif ou censé tel des attributions que la présente loi confère au commissaire.	Immunité
Clarification	(3) The protection provided under subsections (1) and (2) does not limit any powers, privileges, rights and immunities that the Commissioner may otherwise enjoy under section 86 of the <i>Parliament of Canada Act</i> .	(3) Cette protection n'a pas pour effet de restreindre de quelque façon les pouvoirs, droits, privilèges et immunités dont le commissaire peut disposer en vertu de l'article 86 de la <i>Loi sur le Parlement du Canada</i> .	Précision
PUBLIC REGISTRY		REGISTRE PUBLIC	
Public registry	51. (1) The Commissioner shall maintain a registry consisting of the following documents for examination by the public:	51. (1) Le commissaire tient un registre contenant les documents ci-après pour consultation publique :	Registre public
	(a) public declarations made under section 25;	a) les déclarations publiques faites au titre de l'article 25;	
	(b) summary statements made under section 26;	b) les déclarations sommaires faites au titre de l'article 26;	
	(c) notes of every gift or other advantage forfeited under subsection 11(3);	c) la liste de tous les cadeaux ou autres avantages confisqués en vertu du paragraphe 11(3);	
	(c.1) decisions on exemption applications under section 38 and the accompanying reasons;	c.1) les décisions motivées concernant toute demande d'exemption présentée en vertu de l'article 38;	

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Confidences of Queen's Privy Council

Renseignements confidentiels du Conseil privé de la Reine

(d) decisions on waiver or reduction applications under section 39 and the accompanying reasons; and

(e) any other documents that the Commissioner considers appropriate.

(2) If a public office holder has recused himself or herself in respect of a matter and a public declaration is made in respect of that recusal under subsection 25(1) or section 30,

(a) no publication of the declaration shall be made if the very fact of the recusal could reveal, directly or indirectly, any of the following:

(i) a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies, and

(ii) special operational information within the meaning of subsection 8(1) of the *Security of Information Act*; and

(b) no publication of the declaration shall include any detail that could reveal, directly or indirectly, any of the following:

(i) a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies,

(ii) special operational information within the meaning of subsection 8(1) of the *Security of Information Act*,

(iii) information that is subject to solicitor-client privilege,

(iv) information that is subject to any restriction on disclosure created by or under any other Act of Parliament,

(v) information that could reasonably be expected to cause injury to international relations, national defence or national security, or to the detection, prevention or suppression of criminal, subversive or hostile activities,

(vi) information that could reasonably be expected to cause injury to the privacy interests of an individual, or

(vii) information that could reasonably be expected to cause injury to commercial interests.

d) les décisions motivées concernant toute demande de réduction ou d'annulation présentée en vertu de l'article 39;

e) tout autre document que le commissaire juge indiqué.

(2) Lorsqu'un titulaire de charge publique s'est recusé à l'égard d'une affaire et qu'une déclaration publique a été faite à cet égard conformément au paragraphe 25(1) ou à l'article 30, celle-ci :

a) ne doit pas être rendue publique si elle pourrait avoir pour effet de révéler, directement ou indirectement, ce qui suit :

(i) des renseignements confidentiels du Conseil privé de la Reine pour le Canada visés par le paragraphe 39(1) de la *Loi sur la preuve au Canada*,

(ii) des renseignements opérationnels spéciaux au sens du paragraphe 8(1) de la *Loi sur la protection de l'information*;

b) ne doit pas comporter de détails susceptibles de révéler, directement ou indirectement, ce qui suit :

(i) des renseignements confidentiels du Conseil privé de la Reine pour le Canada visés par le paragraphe 39(1) de la *Loi sur la preuve au Canada*,

(ii) des renseignements opérationnels spéciaux au sens du paragraphe 8(1) de la *Loi sur la protection de l'information*,

(iii) des renseignements protégés par le secret professionnel liant l'avocat à son client,

(iv) des renseignements qui font l'objet de restriction de communication prévue sous le régime d'une autre loi fédérale,

(v) des renseignements dont la communication risquerait vraisemblablement de porter atteinte aux relations internationales ou à la défense ou à la sécurité nationales ou à la détection, la prévention ou la répression d'activités criminelles, subversives ou hostiles,

(vi) des renseignements dont la communication risquerait vraisemblablement de porter atteinte au droit à la vie privée d'une personne,

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(vii) des renseignements dont la communication risquerait vraisemblablement de porter atteinte à des intérêts commerciaux.

ADMINISTRATIVE MONETARY PENALTIES

PÉNALITÉS

Violation

52. Every public office holder who contravenes one of the following provisions commits a violation and is liable to an administrative monetary penalty not exceeding \$500:

- (a) subsections 22(1), (2) and (5);
- (b) section 23;
- (c) subsections 24(1) and (2);
- (d) subsections 25(1) to (6);
- (e) subsections 26(1) and (2); and
- (f) subsection 27(7).

52. Le titulaire de charge publique qui contrevient à l'une des dispositions ci-après de la présente loi commet une violation pour laquelle il s'expose à une pénalité d'au plus 500 \$:

- a) les paragraphes 22(1), (2) et (5);
- b) l'article 23;
- c) les paragraphes 24(1) et (2);
- d) les paragraphes 25(1) à (6);
- e) les paragraphes 26(1) et (2);
- f) le paragraphe 27(7).

Violations

Notice of violation

53. (1) If the Commissioner believes on reasonable grounds that a public office holder has committed a violation, the Commissioner may issue, and shall cause to be served on the public office holder, a notice of violation.

53. (1) Le commissaire peut, s'il a des motifs raisonnables de croire qu'une violation a été commise, dresser un procès-verbal qu'il fait signifier à l'auteur présumé.

Procès-verbal

Contents of notice

- (2) A notice of violation must
 - (a) set out the name of the public office holder believed to have committed a violation;
 - (b) identify the violation;
 - (c) set out the penalty that the Commissioner proposes to impose;
 - (d) inform the public office holder that he or she may, within 30 days after the notice is served or within any longer period specified by the Commissioner, pay the penalty set out in the notice or make representations to the Commissioner with respect to the alleged violation or proposed penalty and set out the manner for doing so; and
 - (e) inform the public office holder that, if he or she does not pay the penalty or make representations in accordance with the notice, he or she will be considered to have committed the violation and the Commissioner may impose a penalty in respect of it.

- (2) Le procès-verbal mentionne :
 - a) le nom de l'auteur présumé;
 - b) les faits reprochés;
 - c) la pénalité que le commissaire a l'intention de lui imposer;
 - d) la faculté qu'a l'auteur présumé soit de payer la pénalité, soit de présenter des observations relativement à la violation ou à la pénalité, et ce dans les trente jours suivant la signification du procès-verbal — ou dans le délai plus long que peut préciser le commissaire —, ainsi que les modalités d'exercice de cette faculté;
 - e) le fait que le non-exercice de cette faculté dans le délai imparti vaut aveu de responsabilité et permet au commissaire d'imposer la pénalité.

Contenu du procès-verbal

Criteria for penalty

(3) The amount of a proposed penalty is, in each case, to be determined taking into account the following matters:

- (3) La pénalité est déterminée, dans chaque cas, compte tenu des critères suivants :
 - a) son caractère non punitif, destiné à encourager le respect de la présente loi;

Critères

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	<p>(a) the fact that penalties have as their purpose to encourage compliance with this Act rather than to punish;</p> <p>(b) the public office holder's history of prior violations under this Act during the five-year period immediately before the violation; and</p> <p>(c) any other relevant matter.</p>	<p>b) les antécédents de l'auteur — violations sous le régime de la présente loi — au cours des cinq ans précédant la violation;</p> <p>c) tout autre élément pertinent.</p>	
Regulations	<p>54. The Governor in Council may make regulations respecting the service of documents required or authorized to be served under sections 53 to 57, including the manner and proof of service and the circumstances under which documents are deemed to be served.</p>	<p>54. Le gouverneur en conseil peut, par règlement, régir, notamment par l'établissement de présomptions et de règles de preuve, la signification des documents autorisée ou exigée par les articles 53 à 57.</p>	Règlements
Payment of penalty	<p>55. If the public office holder pays the penalty proposed in the notice of violation, he or she is considered to have committed the violation and proceedings in respect of it are ended.</p>	<p>55. Le paiement de la pénalité en conformité avec le procès-verbal vaut aveu de responsabilité à l'égard de la violation et met fin à la procédure.</p>	Païement
Representations to Commissioner	<p>56. (1) If the public office holder makes representations to the Commissioner in accordance with the notice of violation, the Commissioner shall decide, on a balance of probabilities, whether the public office holder committed the violation and, if so, may impose the penalty proposed, a lesser penalty or no penalty.</p>	<p>56. (1) Si des observations sont présentées, le commissaire détermine, selon la prépondérance des probabilités, la responsabilité de l'intéressé. Le cas échéant, il peut imposer la pénalité mentionnée au procès-verbal ou une pénalité réduite, ou encore n'imposer aucune pénalité.</p>	Présentations d'observations
Notice of decision	<p>(2) The Commissioner shall cause notice of any decision made under subsection (1) to be served on the public office holder.</p>	<p>(2) Le commissaire fait signifier sa décision à l'auteur de la violation.</p>	Avis de décision
Failure to act	<p>57. A public office holder who neither pays the penalty nor makes representations in accordance with the notice of violation is deemed to have committed the violation. The Commissioner shall impose the penalty proposed and notify the public office holder of the penalty imposed.</p>	<p>57. Le non-exercice de la faculté mentionnée au procès-verbal dans le délai imparti vaut aveu de responsabilité à l'égard de la violation; le commissaire impose la pénalité mentionnée au procès-verbal et en avise l'auteur de la violation.</p>	Défaut de payer ou de faire des observations
Due diligence available	<p>58. (1) Due diligence is a defence in a proceeding in relation to a violation.</p>	<p>58. (1) La prise des précautions voulues peut être invoquée dans le cadre de toute procédure en violation.</p>	Prise de précautions
Common law principles	<p>(2) Every rule and principle of the common law that renders any circumstance a justification or excuse in relation to a charge for an offence applies in respect of a violation to the extent that it is not inconsistent with this Act.</p>	<p>(2) Les règles et principes de la common law qui font d'une circonstance une justification ou une excuse dans le cadre d'une poursuite pour infraction s'appliquent à l'égard de toute violation sauf dans la mesure où ils sont incompatibles avec la présente loi.</p>	Principes de la common law
Evidence	<p>59. In any proceeding, a notice appearing to have been issued under subsection 53(1) or 56(2) is admissible in evidence without proof</p>	<p>59. Sont admissibles en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature qui y est apposée ni la qualité offi-</p>	Admissibilité en preuve

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of the signature or official character of the person appearing to have signed it.

cielle du signataire le procès-verbal apparemment signifié au titre du paragraphe 53(1) et la décision apparemment signifiée au titre du paragraphe 56(2).

Limitation

60. (1) Proceedings in respect of a violation may be commenced at any time within but not later than five years after the day on which the Commissioner became aware of the subject-matter of the proceedings.

60. (1) Les poursuites pour violation se prescrivent par cinq ans à compter de la date où le commissaire a eu connaissance des éléments constitutifs de la violation.

Prescription

Certificate of Commissioner

(2) A document appearing to have been issued by the Commissioner, certifying the day on which the subject-matter of any proceedings became known to the Commissioner, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is, in the absence of evidence to the contrary, proof of the matter asserted in it.

(2) Tout document apparemment délivré par le commissaire et attestant la date où ces éléments sont parvenus à sa connaissance fait foi de cette date, en l'absence de preuve contraire, sans qu'il soit nécessaire de prouver l'authenticité de la signature qui y est apposée ni la qualité officielle du signataire.

Certificat du commissaire

Recovery of administrative monetary penalties

61. Any administrative monetary penalty required to be paid by a public office holder constitutes a debt due to Her Majesty and may be recovered as a debt from the public office holder in the Federal Court or any other court of competent jurisdiction.

61. Les pénalités à payer sous le régime de la présente loi constituent des créances de Sa Majesté dont le recouvrement peut être poursuivi à ce titre devant la Cour fédérale ou tout autre tribunal compétent.

Recouvrement des pénalités

Publication

62. If an administrative monetary penalty is imposed on a public office holder in respect of a violation, the Commissioner shall make public the nature of the violation, the name of the public office holder who committed it and the amount of the penalty imposed.

62. Le commissaire doit procéder à la publication de la nature de la violation, du nom de son auteur et du montant de la pénalité imposée.

Publication

PART 5
GENERAL

PARTIE 5
GÉNÉRALITÉS

Minister designating public office holder

62.1 (1) The appropriate minister of the Crown may designate a full-time ministerial appointee as a public office holder for the purpose of paragraph (e) of the definition “public office holder” in subsection 2(1).

62.1 (1) Le ministre compétent peut, pour l'application de l'alinéa e) de la définition de «titulaire de charge publique», au paragraphe 2(1), désigner comme titulaire de charge publique tout titulaire d'une nomination ministérielle qui exerce ses fonctions officielles à temps plein.

Désignation comme titulaire de charge publique par le ministre

Minister designating reporting public office holder

(2) The appropriate minister of the Crown may designate a full-time ministerial appointee who is a public office holder as a reporting public office holder for the purpose of paragraph (f) of the definition “reporting public office holder” in subsection 2(1).

(2) Il peut, pour l'application de l'alinéa f) de la définition de «titulaire de charge publique principal», au paragraphe 2(1), désigner comme titulaire de charge publique principal tout titulaire de charge publique qui est titulaire d'une nomination ministérielle et qui exerce ses fonctions officielles à temps plein.

Désignation comme titulaire de charge publique principal par le ministre

2013, c. 40, s. 289.

2013, ch. 40, art. 289.

Conflicts d'intérêts — 30 septembre 2015

Governor in Council designating public office holder	62.2 (1) The Governor in Council may, by order, designate any person or class of persons as public office holders for the purpose of paragraph (e) of the definition “public office holder” in subsection 2(1).	62.2 (1) Le gouverneur en conseil peut, par décret, pour l'application de l'alinéa e) de la définition de « titulaire de charge publique », au paragraphe 2(1), désigner comme titulaire de charge publique toute personne, à titre individuel ou au titre de son appartenance à une catégorie déterminée.	Désignation comme titulaire de charge publique par le gouverneur en conseil
Governor in Council designating reporting public office holder	(2) The Governor in Council may, by order, designate any person who is a public office holder or any class of persons who are public office holders as reporting public office holders for the purpose of paragraph (f) of the definition “reporting public office holder” in subsection 2(1). 2013, c. 40, s. 289.	(2) Il peut, par décret, pour l'application de l'alinéa f) de la définition de « titulaire de charge publique principal », au paragraphe 2(1), désigner comme titulaire de charge publique principal tout titulaire de charge publique, à titre individuel ou au titre de son appartenance à une catégorie déterminée. 2013, ch. 40, art. 289.	Désignation comme titulaire de charge publique principal par le gouverneur en conseil
Section 126 of <i>Criminal Code</i>	63. Section 126 of the <i>Criminal Code</i> does not apply to or in respect of any contravention or alleged contravention of any provision of this Act.	63. Il est entendu que les contraventions à la présente loi sont soustraites à l'application de l'article 126 du <i>Code criminel</i> .	Précision
Activities on behalf of constituents	64. (1) Subject to subsection 6(2) and sections 21 and 30, nothing in this Act prohibits a member of the Senate or the House of Commons who is a public office holder or former public office holder from engaging in those activities that he or she would normally carry out as a member of the Senate or the House of Commons.	64. (1) Sous réserve du paragraphe 6(2) et des articles 21 et 30, la présente loi n'interdit pas les activités qu'exercent les titulaires de charge publique et les ex-titulaires de charge publique qui sont membres du Sénat ou de la Chambre des communes.	Activités exercées pour le compte d'électeurs
Rights, etc. not affected	(2) Subject to subsection 6(2) and sections 21 and 30, nothing in this Act abrogates or derogates from any of the privileges, immunities and powers referred to in section 4 of the <i>Parliament of Canada Act</i> .	(2) Sous réserve du paragraphe 6(2) et des articles 21 et 30, la présente loi n'a pas pour effet d'abroger les droits, immunités et attributions visés à l'article 4 de la <i>Loi sur le Parlement du Canada</i> ou d'y déroger.	Protection des droits
Limitation period	65. Proceedings under this Act may be taken at any time within but not later than five years after the day on which the Commissioner became aware of the subject-matter of the proceedings and, in any case, not later than ten years after the day on which the subject-matter of the proceeding arose.	65. Aucune procédure ne peut être engagée au titre de la présente loi plus de cinq ans après la date où le commissaire a eu connaissance des éléments constitutifs de l'infraction et, en tout état de cause, plus de dix ans après la date de la prétendue perpétration.	Prescription
Orders and decisions final	66. Every order and decision of the Commissioner is final and shall not be questioned or reviewed in any court, except in accordance with the <i>Federal Courts Act</i> on the grounds referred to in paragraph 18.1(4)(a), (b) or (e) of that Act.	66. Les ordonnances et décisions du commissaire sont définitives et ne peuvent être attaquées que conformément à la <i>Loi sur les Cours fédérales</i> pour les motifs énoncés aux alinéas 18.1(4)a), b) ou e) de cette loi.	Ordonnances et décisions définitives
Review	67. (1) Within five years after this section comes into force, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the Senate, of the House of Commons or of both Houses of	67. (1) Dans les cinq ans qui suivent l'entrée en vigueur du présent article, un examen approfondi des dispositions et de l'application de la présente loi doit être fait par le comité soit du Sénat, soit de la Chambre des communes,	Examen

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Parliament as may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

Report to Parliament

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.

Referral from Public Sector Integrity Commissioner

68. If a matter is referred to the Commissioner under subsection 24(2.1) of the *Public Servants Disclosure Protection Act*, the Commissioner shall

- (a) provide the Prime Minister with a report setting out the facts in question as well as the Commissioner's analysis and conclusions;
- (b) provide a copy of the report to the public office holder or former public office holder who is the subject of the report;
- (c) provide a copy of the report to the Public Sector Integrity Commissioner; and
- (d) make the report available to the public.

2006, c. 9, s. 37.

soit mixte, que le Parlement ou la chambre en question, selon le cas, désigne ou constitue à cette fin.

(2) Dans l'année qui suit le début de son examen ou dans le délai supérieur que le Parlement ou la chambre en question, selon le cas, lui accorde, le comité visé au paragraphe (1) remet son rapport au Parlement, accompagné des modifications qu'il recommande.

Rapport au Parlement

68. Si le commissaire est saisi d'une question en vertu du paragraphe 24(2.1) de la *Loi sur la protection des fonctionnaires divulgateurs d'actes répréhensibles*, il est tenu :

- a) de fournir au premier ministre un rapport énonçant les faits, son analyse de la question et ses conclusions;
- b) de fournir une copie du rapport à l'intéressé;
- c) de fournir une copie au commissaire à l'intégrité du secteur public;
- d) de rendre public le rapport.

2006, ch. 9, art. 37.

Commissaire à l'intégrité du secteur public

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RELATED PROVISIONS

DISPOSITIONS CONNEXES

— 2006, c. 9, s. 3

— 2006, ch. 9, art. 3

Positions	3. (1) An employee who occupies a position in the office of the Ethics Commissioner immediately before the day on which section 81 of the <i>Parliament of Canada Act</i> , as enacted by section 28 of this Act, comes into force continues in that position, except that from that day the employee occupies that position in the office of the Conflict of Interest and Ethics Commissioner.	3. (1) L'entrée en vigueur de l'article 81 de la <i>Loi sur le Parlement</i> , édicté par l'article 28 de la présente loi, est sans effet sur la situation des employés qui, à la date de cette entrée en vigueur, occupaient un poste auprès du commissaire à l'éthique, à la différence que, à compter de cette date, ils l'occupent auprès du commissaire aux conflits d'intérêts et à l'éthique.	Postes
Transfer of appropriation	(2) Any amount appropriated, for the fiscal year in which this section comes into force, by an appropriation Act based on the Estimates for that year for defraying the charges and expenses of the office of the Ethics Commissioner that, on the day on which this section comes into force, is unexpended is deemed, on that day, to be an amount appropriated for defraying the charges and expenses of the office of the Conflict of Interest and Ethics Commissioner.	(2) Les sommes affectées — mais non engagées —, pour l'exercice en cours à la date d'entrée en vigueur du présent article par toute loi de crédits consécutive aux prévisions budgétaires de cet exercice, aux frais et dépenses du bureau du commissaire à l'éthique sont réputées être affectées aux frais et dépenses du bureau du commissaire aux conflits d'intérêts et à l'éthique.	Transferts de crédit
References	(3) Every reference to the Ethics Commissioner in any deed, contract, agreement, instrument or other document executed by that person is to be read as a reference to the Conflict of Interest and Ethics Commissioner, unless the context otherwise requires.	(3) Sauf indication contraire du contexte, dans les contrats, accords, ententes, actes, instruments et autres documents signés par le commissaire à l'éthique sous son nom, la mention de celui-ci vaut mention du commissaire aux conflits d'intérêts et à l'éthique.	Mentions
Continuation of proceedings	(4) Any action, suit or other legal or administrative proceeding to which the Ethics Commissioner is a party that is pending on the coming into force of this section may be continued by or against the Conflict of Interest and Ethics Commissioner in a similar manner and to the same extent as it would have been continued by or against the Ethics Commissioner.	(4) Le commissaire aux conflits d'intérêts et à l'éthique prend la suite du commissaire à l'éthique, au même titre et dans les mêmes conditions que celui-ci, comme partie aux procédures judiciaires ou administratives en cours à la date d'entrée en vigueur du présent article et auxquelles le commissaire à l'éthique est partie.	Procédures en cours
Transfer of data	(5) All information that, on the day on which this section comes into force, is in the possession or control of the Ethics Commissioner relating to the exercise of his or her powers, duties and functions under the <i>Parliament of Canada Act</i> is, as of that day, under the control of the Conflict of Interest and Ethics Commissioner.	(5) Est à la disposition du commissaire aux conflits d'intérêts et à l'éthique tout renseignement qui, à la date d'entrée en vigueur du présent article, se trouve à la disposition du commissaire à l'éthique dans le cadre de l'exercice de ses attributions au titre de la <i>Loi sur le Parlement du Canada</i> .	Transfert de renseignements
Jurisdiction of the Commissioner	(6) The Conflict of Interest and Ethics Commissioner has, with respect to persons subject to and obligations established by <i>The Conflict of Interest and Post-Employment Code for Public Office Holders</i> , as issued from time to time, the same powers, duties and functions that the Ethics Counsellor or Ethics Commissioner had in relation to those persons and obligations. In addition, the Conflict of Interest and Ethics Commissioner has all the powers, duties and functions of the Commissioner under the <i>Conflict of Interest Act</i> in relation to those persons and obligations.	(6) Le commissaire aux conflits d'intérêts et à l'éthique conserve, à l'égard de toute personne assujettie, et des obligations qui figurent, au <i>Code régissant la conduite des titulaires de charge publique en ce qui concerne les conflits d'intérêts et l'après-mandat</i> , compte tenu de ses modifications successives, les mêmes attributions que le conseiller ou le commissaire à l'éthique. De plus, il possède, relativement aux mêmes personnes et obligations, les attributions conférées par la <i>Loi sur les conflits d'intérêts</i> au commissaire visé par celle-ci.	Compétence du commissaire
Exception	(7) Subsection (6) does not apply to any person or obligation in respect of which the Ethics Counsellor or Ethics Commissioner had reached a final decision.	(7) Le paragraphe (6) ne s'applique pas à la personne ou à l'obligation pour laquelle le conseiller ou le commissaire à l'éthique avait rendu une décision définitive.	Exception
Request from parliamentarian	(8) A member of the Senate or House of Commons may, with respect to persons subject to and obligations established by <i>The Conflict of Interest</i>	(8) Tout parlementaire peut, à l'égard de toute personne assujettie au <i>Code régissant la conduite des titulaires de charge publique en ce qui concerne</i>	Demande d'un parlementaire

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and *Post-Employment Code for Public Office Holders*, as issued from time to time, make a request to the Conflict of Interest and Ethics Commissioner in accordance with section 44 of the *Conflict of Interest Act*.

— 2006, c. 9, s. 3.1

Reference to Act **3.1** (1) In this section, the “other Act” means, before the day on which section 66 of this Act comes into force, the *Lobbyists Registration Act* and, from that day, the *Lobbying Act*.

Five-year prohibition — lobbying (2) If, on the day on which section 27 of this Act comes into force, section 10.11 of the other Act, as enacted by section 75 of this Act, is not yet in force, persons who would otherwise be bound by section 29 of the *Conflict of Interest and Post-Employment Code for Public Office Holders* by virtue of their office and who cease to hold that office on or after that day but before the day on which that section 10.11 comes into force, are subject to the obligations established by section 29 of that Code, despite the coming into force of section 27 of this Act.

Jurisdiction of registrar (3) The registrar referred to in section 8 of the other Act has, with respect to the persons and obligations referred to in subsection (2), the same powers, duties and functions that the Ethics Commissioner would have in relation to those persons and obligations if section 27 of this Act were not in force.

les conflits d'intérêts et l'après-mandat, compte tenu de ses modifications successives, et des obligations qui y figurent, faire une demande au commissaire aux conflits d'intérêts et à l'éthique en conformité avec l'article 44 de la *Loi sur les conflits d'intérêts*.

— 2006, ch. 9, art. 3.1

3.1 (1) Au présent article, « autre loi » s'entend, avant la date d'entrée en vigueur de l'article 66 de la présente loi, de la *Loi sur l'enregistrement des lobbyistes* et, à compter de cette date, de la *Loi sur le lobbying*.

(2) Si, à la date d'entrée en vigueur de l'article 27 de la présente loi, l'article 10.11 de l'autre loi, édicté par l'article 75 de la présente loi, n'est pas en vigueur, les personnes qui seraient par ailleurs assujetties à l'article 29 du *Code régissant la conduite des titulaires de charge publique en ce qui concerne les conflits d'intérêts et l'après-mandat* du fait de leur charge et qui cessent d'occuper celle-ci pendant la période commençant à cette date et se terminant le jour qui précède l'entrée en vigueur de cet article 10.11 sont assujetties aux obligations prévues à l'article 29 de ce code, et ce malgré l'entrée en vigueur de l'article 27 de la présente loi.

(3) Le directeur de l'enregistrement visé à l'article 8 de l'autre loi a, à l'égard des personnes et des obligations visées au paragraphe (2), les mêmes attributions que celles que le commissaire à l'éthique aurait eues à leur égard si l'article 27 de la présente loi n'était pas entré en vigueur.

Définition de « autre loi »

Interdiction quinquennale

Directeur de l'enregistrement

National Joint Council, Travel Directive

Part I - Administration

1.1 Authorization

1.1.1 The employer has the responsibility to authorize and determine when government travel is necessary, and to ensure that all travel arrangements are consistent with the provisions of this directive. Following consultation between the employer and the employee, the determination of travel arrangements shall best accommodate the employee's needs and interests and the employer's operational requirements.

1.1.2 Government travel shall be authorized in advance in writing to ensure that all travel arrangements are in compliance with the provisions of this directive. In special circumstances, travel shall be post authorized by the employer.

1.1.3 Expenses resulting from misinterpretations or mistakes are not a basis for reimbursement or non-reimbursement. However, such situations shall be reviewed on a case-by-case basis.

1.2 Loyalty programs

1.2.1 Provided that there are no additional costs to the Crown, employees travelling on government business can join loyalty programs and retain benefits offered by the travel industry for business or personal use. Such privileges are conditional upon the use of government-approved services and products.

1.3 Overpayments

1.3.1 Overpayments, namely amounts reimbursed or paid to travellers, which are not in accordance with the terms of this directive, shall be recovered from the traveller as a debt owing to the Crown.

1.4 Receipts

1.4.1 Where the traveller certifies that the receipt was lost, accidentally destroyed or unobtainable, a personal declaration may replace the receipt.

1.5 Responsibilities

1.5.1 The employer shall:

(a) establish the proper delegation framework to comply with this directive;

(b) ensure that this directive is available at the employee's normal workplace during the employee's working hours;

(c) ensure that the manager with delegated authority, in consultation with the employee and the employee's immediate supervisor:

(i) determine whether travel is necessary;

(ii) ensure that travel arrangements are consistent with the provisions of this directive; and

(iii) ensure that accommodation of needs is provided to the point of undue hardship.

(d) authorize travel, including blanket travel authority;

(e) verify and approve travel expense claims before reimbursement; and

(f) ensure that all travel arrangements comply with relevant federal government legislation and employer policies, such as employment equity, official languages.

1.5.2 The traveller shall:

(a) become familiar with the provisions of this directive;

(b) consult and obtain authorization including blanket travel authority, where applicable, to travel in accordance with the directive;

(c) inform the employer or its suppliers of his/her needs that may require accommodation;

(d) complete and submit travel expense claims with necessary supporting documentation as soon as possible after the completion of the travel. In travel situations exceeding one month, the traveller may submit interim travel expense claims prior to the completion of the travel; and

(e) be responsible for cancelling reservations as required, safeguarding travel advances and funds provided, and making outstanding remittances promptly.

1.5.3 When the employer and the employee are unable to resolve barriers affecting persons with disabilities that may flow from the application of this directive, the employer and the employee shall consult with the appropriate departmental and/or union employment equity professional.

1.6 Suppliers, services and products

1.6.1 Employees on government travel shall utilize government-approved suppliers, services and products selected in support of government travel when these are available. Where access to these suppliers, services and products require the use of an individual designated travel card, the provision and use of the individual designated travel card require the employee's agreement.

1.6.2 Preference shall be given to using Canadian suppliers, services and products.

1.6.3 In consultation with the employee, the employer shall utilize the Designated Responsibility Centre Travel Card "departmental travel card" to the extent possible to prepay travel arrangements.

1.6.4 When circumstances do not permit provision of prepaid arrangements, the traveller shall be reimbursed actual and reasonable costs, based upon receipts.

1.7 Travel advances

1.7.1 Employees on government travel shall be provided with a travel advance to cover travel expenses where government approved services and products are not prepaid or cannot be paid with an individual designated travel card.

1.7.2 When an employee chooses not to obtain and use an individual designated travel card, provision of an advance shall be discussed between the employee and the employer. In such cases, travel advances shall not be unreasonably denied.

1.8 Travel forms

1.8.1 Government-approved travel forms shall be used in seeking government travel authority and submitting travel claims with the supporting documentation where necessary.

1.9 Workplace change (applies within the headquarters area only)

1.9.1 When an employee is assigned from a permanent workplace to a temporary workplace for a period of less than 30 consecutive calendar days, the provisions of this directive shall apply.

1.9.2 When an employee is assigned from a permanent workplace to a temporary workplace, for a period of 30 consecutive calendar days or more, the provisions of this directive shall apply unless the employee is notified, in writing, 30 calendar days in advance of the change in workplace. In situations where the employee is not notified of a change of workplace in writing, the provisions of the directive shall apply for the duration of the workplace change up to a maximum of 60 calendar days.

1.9.3 When conditions under workplace change outlined above are not met, transportation shall be provided to the temporary workplace, or the kilometric rate paid for the distance between the home and the temporary workplace, or between the permanent workplace and the temporary workplace, whichever is less.

Part II - Insurance

2.1 Insurance plans and compensation

2.1.1 In the event that an employee becomes ill, is injured or dies while travelling on government business, the employee or, where applicable, the employee's dependants may be provided with protection, subject to the terms and conditions of the following:

- (a) the collective agreement or other authority governing terms and conditions of employment, i.e., injury-on-duty leave and severance pay;
- (b) the *Government Employees Compensation Act*;
- (c) the *Flying Accident Compensation Regulations*;
- (d) the *Public Service Superannuation Act*;
- (e) the Canada Pension Plan or Quebec Pension Plan;
- (f) the Public Service Management Insurance Plan;
- (g) the Disability Insurance Plan;
- (h) the Public Service Health Care Plan (for medical and hospital expenses not paid under the *Government Employees Compensation Act*);
- (i) the Crown Indemnification Policy in the event of a civil action against an employee taken by a third party; and/or
- (j) insurance as a result of contracting with government-approved suppliers, services and products.

2.1.2 Details concerning public service benefit programs are found in Appendix A.

2.1.3 Employees are advised to confirm with their insurance agent that they are adequately insured if they use non-commercial flights.

2.1.4 Additional insurance purchased by the traveller shall not be reimbursed except for the cost of insurance to cover repairs to, or replacement of, damaged or lost luggage while travelling, unless such insurance is provided.

2.2 Vehicle Insurance

2.2.1 Employees authorized to drive a Crown-owned vehicle must drive it themselves. The federal government self-insures its own vehicles. There is no Crown liability coverage for unauthorized drivers who would be personally liable in the event of an accident.

2.2.2 Collision damage waiver coverage for the entire period that a vehicle is rented is required. This coverage is included when travellers use a government-approved individual designated

travel card and shall be reimbursed in circumstances where an individual designated travel card is not used.

2.2.3 Travellers shall not be reimbursed for personal accident insurance coverage premiums.

2.2.4 The employer assumes no financial responsibility for privately owned vehicles other than paying the kilometric rate and the supplementary business insurance premium, where required. The employer is not responsible for reimbursing deductible amounts related to insurance coverage.

2.2.5 Privately owned vehicles or other types of transportation used on government travel shall have at least the minimum provincial/territorial/state/country insurance coverage of public liability and property damage.

2.2.6 Additional premium costs for public liability and property damage, collision and comprehensive coverage shall be reimbursed for the applicable period, when supplementary business insurance for a vehicle is required.

2.2.7 Travellers who intend to carry passengers are advised to confirm with their insurance agent that they are adequately insured.

Part III - Travel Modules

3.1 Module 1 - Travel within headquarters area

The provisions outlined in this module apply when an employee is away from the workplace on government travel within the headquarters area in Canada or worldwide.

3.1.1 Accommodation

Reimbursement for overnight accommodation within an employee's headquarters area shall not normally be authorized. Employees in the following exceptional cases shall be in travel status and reimbursed for overnight accommodation according to the provisions of Module 3:

- (a) accommodation in government facilities for such purposes as live-in conferences, meetings and training courses;
- (b) accommodation in educational facilities, for such purposes as live-in conferences, meetings and training courses; or
- (c) accommodation in commercial facilities, in very exceptional or emergency situations that require employees to remain close to their posts for periods long in excess of normal working hours, such as policing activities during a crisis, or extended collective bargaining sessions.

3.1.2 Additional business expenses

Where required, the employer shall make the necessary arrangements for obtaining entry documents as determined by the department, and/or an appropriate passport and photos, and/or visa as determined by Foreign Affairs and International Trade Canada, and any required inoculations, vaccinations, X-rays and certificates of health, at no expense to the employee. Where possible, the services of Health Canada, Veterans Affairs Canada or National Defence shall be used for medical services. Any related expenses incurred by an employee shall be reimbursed.

The employee shall be reimbursed for business expenses not otherwise covered such as photocopies, word-processing service, faxes, internet connections, rental and transportation of necessary office equipment and transportation of required personal effects.

The employee shall also be reimbursed for service charges/fees for actual and reasonable expenses and for financial transactions, such as but not limited to:

- Automated Banking Machine use;
- government travel card use;
- credit/debit card use;
- financial institution foreign currency transaction commission(s);
- traveller's cheques acquisition; and

- cheque-cashing fees.

Reimbursement claims shall be supported by receipts and indicate the expense currency.

The employee shall also be reimbursed for the cost of a safety deposit box when supported by receipts.

3.1.3 Bottled water

The cost of reasonable amounts of bottled water shall be reimbursed based on receipts.

3.1.4 Currency exchange

The costs incurred to convert reasonable sums to foreign currencies and/or reconvert any unused balance to Canadian currency shall be reimbursed, based upon receipts, from all transactions and sources.

When these costs are not supported by receipts, the average Bank of Canada currency exchange rate shall apply. In cases where the Bank of Canada does not provide an exchange rate, an alternate bank rate from an established institution, as determined by the employer, shall be applied. The rate shall be the average of the rates applicable on the initial date into the country and the final date out of the country.

3.1.5 Dependant care

An employee who is required to travel on government business shall be reimbursed actual and reasonable dependant-care expenses up to a daily maximum of \$35 Canadian, per household, with a declaration, or up to a daily maximum of \$75 Canadian, per household, with a receipt when:

(a) the employee is the sole caregiver of a dependant who is under 18 years of age or has a mental or physical disability, or

(b) two federal employees living in the same household are the sole caregivers of a dependant who is under 18 years of age or has a mental or physical disability and both employees are required to travel on government business at the same time.

Dependant-care allowance shall apply only for expenses that are incurred as a result of travelling and are additional to expenses the employee would incur when not travelling.

3.1.6 Home communication

Not applicable to this module.

3.1.7 Incidental expense allowance

A traveller who is required to travel on government business overnight shall be paid an incidental expense allowance that covers a number of miscellaneous expenses not otherwise provided for in this directive for each day or part day in travel status as per Appendix C or D as applicable.

3.1.8 Insurance

See Part II and Appendix A.

3.1.9 Meals

Unless otherwise covered by terms and conditions of employment or collective agreements, meal expenses incurred within the headquarters area shall not normally be reimbursed.

Meal expenses, based on receipts, may be reimbursed up to the limit of the applicable meal allowance in Appendix C or D, as applicable, in the following situations:

- (a) when employees are required to work through or beyond normal meal hours and are clearly placed in situations of having to spend more for the meal than would otherwise be the case;
- (b) when employees are required to attend conferences, seminars, meetings or public hearings during the weekend or holidays;
- (c) when employees are required to attend formal full-day conferences, seminars, meetings or hearings and where meals are an integral part of the proceedings;
- (d) when employer representatives are involved in collective bargaining proceedings;
- (e) when intensive task force or committee studies are enhanced by keeping participants together over a normal meal period; or
- (f) when the reimbursement of meal expenses is clearly reasonable and justifiable as a direct result of an employee's duties.

3.1.10 Rest periods

Not applicable to this module.

3.1.11 Transportation

The selection of the mode of transportation shall be based on cost, duration, convenience, safety and practicality. In addition to provisions outlined below under (a) Commercial, (b) Other modes of transportation and (c) Vehicles, expenses associated with the selected mode of transportation shall be reimbursed based on receipts, indicating the expense currency. Where a receipt is not available, a declaration will suffice. Such expenses include legitimate mandatory transportation service charges and fees, incurred while on travel status, not otherwise paid (e.g. docking fees, road/bridge tolls, ferries and other transportation service charges/fees).

When authorized travel or overtime causes a disruption in the employee's regular commuting pattern, the employee shall be reimbursed additional transportation costs incurred between the residence and the workplace.

(a) Commercial

Where commercial transportation is authorized and used, the traveller shall be provided with the necessary prepaid tickets whenever possible.

Taxis, shuttles and local transportation services are alternatives for short local trips. Actual expenses, including gratuities, shall be reimbursed, based on receipts.

(b) Other modes of transportation

Occasionally, other modes of transportation not normally used on roadways shall be authorized for use on government business when these modes of transportation are safe, economical and practical.

Travellers using these other modes of transportation shall be reimbursed at the applicable kilometric rate based on the direct road distances, if available. When there are no road distances, the traveller shall be reimbursed for actual or reasonable distances travelled.

(c) Vehicles

The standard for rental vehicles is mid size. Rental vehicles beyond the standard shall be authorized based upon factors such as, but not limited to, safety, the needs of the traveller and the bulk or weight of goods transported.

The kilometric rates payable for the use of privately owned vehicles driven on authorized government travel are prescribed in Appendix B. Travellers shall use the most direct, safe and practical road routes and shall claim only for distances necessarily driven on government travel.

When an employee has been authorized to use and uses a private vehicle within the headquarters area on government travel, the employee shall be reimbursed the kilometric rate in accordance with Appendix B.

Parking charges are normally not payable when the employee is on duty at the workplace. For every day on which an employee is authorized to use a private vehicle on government travel, the employee shall be reimbursed the actual costs of parking the vehicle for that period of time.

3.1.12 Weekend travel home

Not applicable to this module.

3.1.13 Weekend travel - alternatives

Not applicable to this module.

3.2 Module 2 - Travel outside headquarters area - no overnight stay

The provisions outlined in this travel module apply when a traveller is away from the workplace on government travel outside the headquarters area without an overnight stay in Canada or worldwide.

3.2.1 Accommodation

Not applicable to this module.

3.2.2 Additional business expenses

The employee shall be reimbursed for business expenses not otherwise covered, such as business calls, photocopies, word-processing service, faxes, internet connections, rental and transportation of necessary office equipment and transportation of required personal effects.

Employees whose schedules have been altered for reasons outside their control shall be reimbursed for reasonable telephone costs to attend to situations related to the employee's altered schedule.

Where required, the employer shall make the necessary arrangements for obtaining entry documents as determined by the department, and/or an appropriate passport and photos, and/or visa as determined by Foreign Affairs and International Trade Canada, and any required inoculations, vaccinations, X-rays and certificates of health, at no expense to the employee. Where possible, the services of Health Canada, Veterans Affairs Canada or National Defence shall be used for medical services. Any related expenses incurred by an employee shall be reimbursed.

The employee shall also be reimbursed for service charges/fees for actual and reasonable expenses for financial transactions such as but not limited to:

- Automated Banking Machine use;
- government travel card use;
- credit/debit card use;
- financial institution foreign currency transaction commission(s);
- traveller's cheques acquisition; and
- cheque-cashing fees.

Reimbursement claims shall be supported by receipts and indicate the expense currency.

The employee shall also be reimbursed for the cost of a safety deposit box when supported by receipts.

3.2.3 Bottled water

The cost of reasonable amounts of bottled water shall be reimbursed based on receipts.

3.2.4 Currency exchange

The costs incurred to convert reasonable sums to foreign currencies and/or reconvert any unused balance to Canadian currency shall be reimbursed, based upon receipts, from all transactions and sources.

When these costs are not supported by receipts, the average Bank of Canada currency exchange rate shall apply. In cases where the Bank of Canada does not provide an exchange rate, an alternate bank rate from an established institution, as determined by the employer, shall be

applied. The rate shall be the average of the rates applicable on the initial date into the country and the final date out of the country.

3.2.5 Dependant care

An employee who is required to travel on government business shall be reimbursed actual and reasonable dependant-care expenses up to a daily maximum of \$35 Canadian, per household, with a declaration, or up to a daily maximum of \$75 Canadian, per household, with a receipt when:

(a) the employee is the sole caregiver of a dependant who is under 18 years of age or has a mental or physical disability; or

(b) two federal employees living in the same household are the sole caregivers of a dependant who is under 18 years of age or has a mental or physical disability and both employees are required to travel on government business at the same time.

The dependant-care allowance shall apply only for expenses that are incurred as a result of travelling and are additional to expenses the employee would incur when not travelling.

3.2.6 Home communication

Not applicable to this module.

3.2.7 Incidental expense allowance

Not applicable to this module.

3.2.8 Insurance

See Part II and Appendix A.

3.2.9 Meals

A traveller shall be paid the applicable meal allowance for each breakfast, lunch and dinner while on travel status.

Meal allowances shall be reimbursed in accordance with the rates specified in Appendix C or D, as applicable.

A meal allowance shall not be paid to a traveller with respect to a meal that is provided. In exceptional situations where a traveller has incurred out-of-pocket expenses to supplement meals provided, the actual incurred costs may be reimbursed, based on receipts, up to the applicable meal allowance.

Where a traveller incurs meal costs that are higher than the established meal allowances in situations outside the traveller's control, the actual and reasonable expenses incurred shall be reimbursed, based on receipts.

Reimbursement of meals for shift workers shall be based on the meal sequence of breakfast, lunch and dinner, in relation to the commencement of the employee's shift.

3.2.10 Rest periods

Not applicable to this module.

3.2.11 Transportation

The selection of the mode of transportation shall be based on cost, duration, convenience, safety and practicality. In addition to provisions outlined below under (a) Commercial, (b) Other modes of transportation and (c) Vehicles, expenses associated with the selected mode of transportation shall be reimbursed based on receipts, indicating the expense currency. Where a receipt is not available, a declaration will suffice. Such expenses include:

- seat selection fee for commercial, private and/or chartered carriers;
- airport improvement fees, not otherwise paid (e.g. prepaid as part of the fare);
- airport departure tax, not otherwise paid;
- miscellaneous charge order, for excess baggage/excess weight for commercial, private and/or chartered carriers (written explanation also required);
- public carrier ticket "change fee" for legitimate authorized official government purposes; and
- legitimate, mandatory transportation service charges and fees, incurred while in travel status, not otherwise paid (e.g. docking fees, road/bridge tolls, ferries and other transportation service charges/fees).

When authorized travel or overtime causes a disruption in the employee's regular commuting pattern, the employee shall be reimbursed for additional transportation costs incurred between the residence and the workplace.

(a) Commercial

Where commercial transportation is authorized and used, the traveller shall be provided with the necessary prepaid tickets whenever possible.

The standard for air travel is economy class. The lowest available airfares appropriate to particular itineraries shall be sought and bookings shall be made as far in advance as possible.

The standard for rail travel is the next highest class after the full economy class.

Taxis, shuttles and local transportation services are alternatives for short local trips. Actual expenses, including gratuities, shall be reimbursed. Receipts are only required to justify taxi fares in excess of \$10.

(b) Other modes of transportation

Occasionally, other modes of transportation not normally used on roadways shall be authorized for use on government business when these modes of transportation are safe, economical and practical.

Travellers using these other modes of transportation shall be reimbursed at the applicable kilometric rate based on the direct road distances, if available. When there are no road distances, the traveller shall be reimbursed for actual or reasonable distances travelled.

(c) Vehicles

The standard for rental vehicles is mid size. Rental vehicles beyond the standard shall be authorized based upon factors such as, but not limited to, safety, the needs of the traveller and the bulk or weight of goods transported.

The kilometric rates payable for the use of privately owned vehicles driven on authorized government travel are prescribed in Appendix B. Travellers shall use the most direct, safe and practical road routes and shall claim only for distances necessarily driven on government travel.

Travellers who are driven to or picked up from a public carrier terminal shall be reimbursed the kilometric rate based on the distance to and from the public carrier terminal for each round trip.

In the interests of safe driving, when employee-driven vehicles are authorized, employees shall not normally be expected to drive more than:

- 250 kilometres after having worked a full day;
- 350 kilometres after having worked one-half day; or
- 500 kilometres on any day when the employee has not worked.

Parking charges shall be reimbursed where it is practical and economical to leave a private vehicle at the public carrier's terminal during the period of absence.

For every day on which an employee is authorized to use a private vehicle on government travel, the employee shall be reimbursed the actual costs of parking the vehicle for that period of time.

3.2.12 Weekend travel home

Not applicable to this module.

3.2.13 Weekend travel - alternatives

Not applicable to this module.

3.3 Module 3 - Travel in Canada and continental U.S.A. - overnight stay

The provisions outlined in this travel module apply when a traveller is away from the workplace on government travel overnight, in Canada or in the continental U.S.A.

A daily comprehensive allowance may be authorized in circumstances where established allowances are not practical, reasonable, or equitable.

3.3.1 Accommodation

The standard for accommodation is a single room, in a safe environment, conveniently located and comfortably equipped.

A variety of options for accommodation are available for travel. Generally these include hotels, motels, corporate residences, apartments, private non-commercial accommodation, and government and institutional accommodation.

Government hotel directories shall serve as a guide for the cost, location and selection of accommodation.

Unless the employer authorizes otherwise, when travel is related to activities held in an institution, the employee shall stay in institutional accommodations.

Where employees are in travel status at military bases, unless program-related or security reasons dictate the use of specific accommodation, an employee's request for alternate commercial or private non-commercial accommodation shall not be unreasonably denied.

Although travellers generally stay in commercial accommodation, private non-commercial accommodation is encouraged. A traveller who chooses private non-commercial accommodation shall be reimbursed the rate as specified in Appendix C. In addition, ground transportation costs shall be authorized when it is cost effective. Cost effectiveness shall be determined by comparing the total cost of accommodation and transportation in the private non-commercial accommodation with available commercial or government and institutional accommodation and the associated transportation costs.

For periods of travel status of more than 30 consecutive calendar days at the same location, accommodation at corporate residences, apartments, private non-commercial accommodation or government and institutional accommodation is encouraged. Travellers who choose to stay in a hotel after the 30th day when apartments or corporate residences are available in the area surrounding the workplace shall be reimbursed up to the cost of the average apartment or corporate residence available.

3.3.2 Additional business expenses

The employee shall be reimbursed for business expenses not otherwise covered such as business calls, photocopies, word-processing service, faxes, internet connections, rental and transportation of necessary office equipment and transportation of required personal effects.

Employees whose schedules have been altered for reasons outside their control shall be reimbursed for reasonable telephone costs to attend to situations related to the employee's altered schedule.

Where required, the employer shall make the necessary arrangements for obtaining entry documents as determined by the department, and/or an appropriate passport and photos, and/or visa as determined by Foreign Affairs and International Trade Canada, and any required inoculations, vaccinations, X-rays and certificates of health, at no expense to the employee. Where possible, the services of Health Canada, Veterans Affairs Canada or National Defence shall be used for medical services. Any related expenses incurred by an employee shall be reimbursed.

The employee shall also be reimbursed for service charges/fees for actual and reasonable expenses for financial transactions such as, but not limited to:

- Automated Banking Machine use;
- government travel card use;
- credit/debit card use;
- financial institution foreign currency transaction commission(s);
- traveller's cheques acquisition; and
- cheque-cashing fees.

Reimbursement claims shall be supported by receipts and indicate the expense currency.

The employee shall also be reimbursed for the cost of a safety deposit box when supported by receipts.

3.3.3 Bottled water

The cost of reasonable amounts of bottled water shall be reimbursed based on receipts.

3.3.4 Currency exchange

The costs incurred to convert reasonable sums to foreign currencies and/or reconvert any unused balance to Canadian currency shall be reimbursed, based upon receipts, from all transactions and sources.

When these costs are not supported by receipts, the average Bank of Canada currency exchange rate shall apply. In cases where the Bank of Canada does not provide an exchange rate, an alternate bank rate from an established institution, as determined by the Employer, shall be applied. The rate shall be the average of the rates applicable on the initial date into the country and the final date out of the country.

3.3.5 Dependant care

An employee who is required to travel on government business shall be reimbursed actual and reasonable dependant-care expenses up to a daily maximum of \$35 Canadian, per household, with a declaration, or up to a daily maximum of \$75 Canadian, per household, with a receipt when:

(a) the employee is the sole caregiver of a dependant who is under 18 years of age or has a mental or physical disability; or

(b) two federal employees living in the same household are the sole caregivers of a dependant who is under 18 years of age or has a mental or physical disability and both employees are required to travel on government business at the same time.

The dependant-care allowance shall apply only for expenses that are incurred as a result of travelling and are additional to expenses the employee would incur when not travelling.

3.3.6 Home communication

Home communication is included in the incidental expense allowance.

The following exception applies: Employees in travel status aboard vessels shall be authorized to make up to the equivalent of one 10-minute phone call home using the equipment available over each contiguous three-day period away from home port. When satellite communication systems are available and used, the phone call shall be limited to five minutes.

3.3.7 Incidental expense allowance

A traveller shall be paid an incidental expense allowance that covers a number of miscellaneous expenses not otherwise provided for in this directive for each day or part day in travel status as per Appendix C.

The following exception applies: Seventy-five percent (75%) of the incidental expense as specified in Appendix C shall be paid starting on the 31st consecutive calendar day of travel status while at the same location when corporate residences or apartment hotels are available to a traveller in the area surrounding the workplace, or when the traveller chooses to stay in private accommodation.

When a traveller visits locations in Canada and the U.S.A. on the same day, the incidental expense allowance paid shall be that for the location where the day commences.

3.3.8 Insurance

See Part II and Appendix A.

3.3.9 Meals

A traveller shall be paid the applicable meal allowance for each breakfast, lunch and dinner while on travel status.

Meal allowances shall be reimbursed in accordance with the rates specified in Appendix C.

The following exception applies: Seventy-five percent (75%) of the meal allowances as specified in Appendix C shall be paid starting on the 31st consecutive calendar day of travel status at the same location when corporate residences or apartment hotels are available to a traveller in the area surrounding the workplace, or when the traveller chooses to stay in private accommodation.

A meal allowance shall not be paid to a traveller with respect to a meal that is provided. In exceptional situations where a traveller has incurred out of pocket expenses to supplement meals provided, the actual incurred costs may be reimbursed, based on receipts, up to the applicable meal allowance.

Where a traveller incurs meal costs that are higher than the established meal allowances in situations outside the traveller's control, the actual and reasonable expenses incurred shall be reimbursed, based on receipts.

Reimbursement of meals for shift workers shall be based on the meal sequence of breakfast, lunch and dinner, in relation to the commencement of the employee's shift.

3.3.10 Rest periods

Unless mutually agreed otherwise, itineraries shall be arranged to provide for:

(a) a suitable rest period; and/or

(b) an overnight stop after travel time of at least nine consecutive hours.

Travel time is the time spent in any mode of transportation en route to destination and/or awaiting immediate connections. This includes the time spent travelling to and from a carrier's terminal.

A suitable rest period shall not be unreasonably denied.

3.3.11 Transportation

The selection of the mode of transportation shall be based on cost, duration, convenience, safety and practicality. In addition to provisions outlined below under (a) Commercial, (b) Other modes of transportation and (c) Vehicles, expenses associated with the selected mode of transportation shall be reimbursed based on receipts, indicating the expense currency. Where a receipt is not available, a declaration will suffice. Such expenses include:

- seat selection fee for commercial, private and/or chartered carriers;
- airport improvement fees, not otherwise paid (e.g. prepaid as part of the fare);
- airport departure tax, not otherwise paid;
- miscellaneous charge order, for excess baggage/excess weight for commercial, private and/or chartered carriers (written explanation also required);
- public carrier ticket "change fee" for legitimate authorized official government purposes; and
- legitimate, mandatory transportation service charges and fees, incurred while in travel status, not otherwise paid (e.g. docking fees, road/bridge tolls, ferries and other transportation service charges/fees).

When authorized travel or overtime causes a disruption in the employee's regular commuting pattern, the employee shall be reimbursed for additional transportation costs incurred between the residence and the workplace.

(a) Commercial

Where commercial transportation is authorized and used, the employee shall be provided with the necessary prepaid tickets whenever possible.

The standard for air travel is economy class. The lowest available airfares appropriate to particular itineraries shall be sought and bookings shall be made as far in advance as possible.

The standard for rail travel is the next highest class after the full economy class.

Taxis, shuttles and local transportation services are alternatives for short local trips. Actual expenses, including gratuities, shall be reimbursed. Receipts are only required to justify taxi fares in excess of \$10.

(b) Other modes of transportation

Occasionally, other modes of transportation not normally used on roadways shall be authorized for use on government travel when these modes of transportation are safe, economical and practical.

Travellers using these other modes of transportation shall be reimbursed at the applicable kilometric rate based on the direct road distances, if available. When there are no road distances, the traveller shall be reimbursed for actual or reasonable distances travelled.

(c) Vehicles

The standard for rental vehicles is mid size. Rental vehicles beyond the standard shall be authorized based upon factors such as, but not limited to, safety, the needs of the traveller and the bulk or weight of goods transported.

The kilometric rates payable for the use of privately owned vehicles driven on authorized government travel are prescribed in Appendix B. Travellers shall use the most direct, safe and practical road routes and shall claim only for distances necessarily driven on government travel.

Travellers who are driven to or picked up from a public carrier terminal shall be reimbursed the kilometric rate based on the distance to and from the public carrier terminal for each round trip.

In the interests of safe driving, when employee-driven vehicles are authorized, employees shall not normally be expected to drive more than:

- 250 kilometres after having worked a full day;
- 350 kilometres after having worked one-half day; or
- 500 kilometres on any day when the employee has not worked.

Parking charges shall be reimbursed where it is practical and economical to leave a private vehicle at the public carrier's terminal during the period of absence.

For every day on which an employee is authorized to use a private vehicle on government travel, the employee shall be reimbursed the actual costs of parking the vehicle for that period of time.

3.3.12 Weekend travel home

The use of the weekend travel home provisions or its alternatives does not constitute a break in continuous travel at the same location.

An employee who is in travel status that extends through or beyond a weekend is eligible for weekend travel home provisions provided that the following conditions are met:

(a) work schedules permit the employee to be absent; and

(b) appropriate private or public transportation is available and its use is both practical and reasonable.

Every weekend:

An eligible employee entitled to travel home every weekend shall be reimbursed actual transportation costs up to an amount not exceeding:

(a) the cost of maintaining the employee in travel status for the weekend period (i.e., accommodation, meals, incidentals, and other expense allowances), if the accommodation is cancelled for the weekend; or

(b) when the accommodation is not cancelled, the weekend travel home transportation allowances stated in Appendix C shall apply.

Every third weekend on average:

There will be occasions when an employee in travel status for a period of more than 30 consecutive calendar days in Canada or the continental U.S.A. is so far from home that travel home every weekend would be impractical.

In such situations where travel home every weekend is impractical and provided that the employee is in continuous travel status, the employee may return home on average every third weekend and schedule actual weekend trips home within the maximum number permitted to meet personal needs.

The employee shall be reimbursed the most economical return airfare, the necessary return ground transportation to and from the carrier's terminal and meals en route. The most economical return airfare shall be airfare booked more than 14 days in advance with a Saturday night stay over. Meals and incidentals at destination shall not be reimbursed. The accommodation at the duty travel location need not be cancelled.

3.3.13 Weekend travel - alternatives

(a) By the employee

Provided that the employee is not required by the employer to remain at the duty travel location, an employee may choose to spend the weekend at an alternative location. To be eligible for reimbursement, the employee shall cancel charges for accommodation (and meals provided onsite) at the duty travel location; provide a receipt for alternative commercial accommodation when used; and not return home or to the headquarters area during the weekend.

Reimbursement shall be limited to the cost of maintaining the employee at the duty travel location and shall include the cost of accommodation, meals, incidentals and other expenses.

Arrangements are the personal responsibility of the employee without using the government-approved services. The employee assumes personal liability as if the employee were not in travel status.

The use of this provision does not preclude the employee's entitlement to weekend travel home.

(b) By the employee's spouse or a dependant

As an alternative to weekend travel home by the employee, a spouse or a dependant may be authorized to travel to the employee's assigned work location when there is no additional cost to the employer. The airfare and pertinent travel arrangements shall be processed through the government suppliers. Ground transportation to and from the public carrier shall be reimbursed. Insurance coverage for the spouse/dependant is the responsibility of the employee.

3.4 Module 4 - International travel outside Canada or the continental U.S.A.

The provisions outlined in this module apply when a traveller is away from the workplace on government travel overnight, outside Canada or the continental U.S.A. or when the point of departure is outside of Canada or the continental U.S.A.

A daily comprehensive allowance may be authorized in circumstances where established allowances are not practical, reasonable or equitable.

3.4.1 Accommodation

The standard for accommodation is a single room, in a safe environment, conveniently located and comfortably equipped.

A variety of options for accommodation are available for travel. Generally these include hotels, motels, corporate residences, apartments, private non-commercial accommodation, government owned/leased accommodation and institutions.

Government hotel directories shall serve as a guide for the cost, location and selection of accommodation.

Unless the employer authorizes otherwise, when travel is related to activities held in an institution, the employee shall stay in institutional accommodations.

Where employees are in travel status at military bases, unless program-related or security reasons dictate the use of specific accommodation, an employee's request for alternate commercial or private non-commercial accommodation shall not be unreasonably denied.

Although travellers generally stay in commercial accommodation, private non-commercial accommodation is encouraged. A traveller who chooses private non-commercial accommodation shall be reimbursed the rate as specified in Appendix D. In addition, ground transportation costs shall be authorized when it is cost effective. Cost effectiveness shall be determined by comparing the total cost of accommodation and transportation in the private non-commercial accommodation with available commercial or government and institutional accommodation and the associated transportation costs.

For periods of travel status of more than 30 consecutive calendar days at the same location, accommodation at corporate residences, apartments, private non-commercial accommodation or government and institutional accommodation is encouraged. Travellers who choose to stay in a hotel after the 30th day when apartments or corporate residences are available in the area surrounding the workplace shall be reimbursed up to the cost of the average apartment or corporate residence available.

3.4.2 Additional business expenses

The employee shall be reimbursed for business expenses not otherwise covered, such as business calls, photocopies, word-processing service, faxes, internet connections, rental and transportation of necessary office equipment and transportation of required personal effects.

Employees whose schedules have been altered for reasons outside their control shall be reimbursed for reasonable telephone costs to attend to situations related to the employee's altered schedule.

Where required, the employer shall make the necessary arrangements for obtaining entry documents as determined by the department, and/or an appropriate passport and photos, and/or visa as determined by Foreign Affairs and International Trade Canada, and any required inoculations, vaccinations, X-rays and certificates of health, at no expense to the employee. Where possible, the services of Health Canada, Veterans Affairs Canada or National Defence shall be used for medical services. Any related expenses incurred by an employee shall be reimbursed.

The employee shall also be reimbursed for service charges/fees, for actual and reasonable expenses, for financial transactions, such as but not limited to:

- Automated Banking Machine use;
- government travel card use;
- credit/debit card use;
- financial institution foreign currency transaction commission(s);
- traveller's cheques acquisition; and
- cheque-cashing fees.

Reimbursement claims shall be supported by receipts and indicate the expense currency.

The employee shall also be reimbursed for the cost of a safety deposit box when supported by receipts.

3.4.3 Bottled water

The cost of bottled water shall be reimbursed in situations deemed necessary and based on receipts for reasonable quantities.

3.4.4 Currency exchange

The costs incurred to convert reasonable sums to foreign currencies and/or reconvert any unused balance to Canadian currency shall be reimbursed, based upon receipts, from all transactions and sources.

When these costs are not supported by receipts, the average Bank of Canada currency exchange rate shall apply. In cases where the Bank of Canada does not provide an exchange rate, an

alternate bank rate from an established institution, as determined by the employer, shall be applied. The rate shall be the average of the rates applicable on the initial date into the country and the final date out of the country.

3.4.5 Dependant care

An employee who is required to travel on government business shall be reimbursed actual and reasonable dependant-care expenses up to a daily maximum of \$35 Canadian, per household, with a declaration, or up to a daily maximum of \$75 Canadian, per household, with a receipt when:

(a) the employee is the sole caregiver of a dependant who is under 18 years of age or has a mental or physical disability; or

(b) two federal employees living in the same household are the sole caregivers of a dependant who is under 18 years of age or has a mental or physical disability and both employees are required to travel on government business at the same time.

The dependant-care allowance shall apply only for expenses that are incurred as a result of travelling and are additional to expenses the employee would incur when not travelling.

3.4.6 Home communication

Over each contiguous three-day period away from home, employees in travel status shall be reimbursed the equivalent of one 10-minute phone call home, based on receipts.

When satellite communication systems are available and used, the phone call shall be limited to five minutes.

Employees provided with international telephone-card privileges, or who have made use of government international telephone network facilities for home communication, shall not claim the cost of telephone calls home.

3.4.7 Incidental expense allowance

A traveller shall be paid an incidental expense allowance that covers a number of miscellaneous expenses not otherwise provided for in this directive for each day or part day in travel status as per Appendix C or D, as applicable.

The following exception applies: Seventy-five percent (75%) of the incidental expense allowance as specified in Appendix C or D, as applicable, shall be paid starting on the 31st consecutive calendar day of travel status while at the same location when corporate residences or apartment hotels are available to a traveller in the area surrounding the workplace, or when the traveller chooses to stay in private accommodation.

When a traveller visits locations in different countries on the same day, the incidental expense allowance paid shall be that for the location where the day commences.

3.4.8 Insurance

See Part II and Appendix A.

3.4.9 Meals

A traveller shall be paid the applicable meal allowance for each breakfast, lunch and dinner while in travel status.

Meal allowances shall be reimbursed in accordance with the rates specified in Appendix C or D, as applicable.

The following exception applies: Seventy-five percent (75%) of the meal allowances as specified in Appendix C or D, as applicable, shall be paid starting on the 31st consecutive calendar day of travel status at the same location when corporate residences or apartment hotels are available to a traveller in the area surrounding the workplace, or when the traveller chooses to stay in private accommodation.

Where no meal allowance has been established in a given country or where sudden changes in currency exchange rates or high inflationary trends may invalidate the specified meal allowance, actual and reasonable expenses shall be reimbursed, based on receipts.

A meal allowance shall not be paid to a traveller with respect to a meal that is provided. In exceptional situations where a traveller has incurred out-of-pocket expenses to supplement meals provided, the actual incurred costs may be reimbursed, based on receipts, up to the applicable meal allowance.

Where a traveller incurs meal costs that are higher than the established meal allowances in situations outside the traveller's control, the actual and reasonable expenses incurred for all meal expenses on that travel day shall be reimbursed, based on receipts.

3.4.10 Rest periods

Unless mutually agreed otherwise, itineraries shall be arranged to provide for:

- (a) a suitable rest period, and/or
- (b) an overnight stop after travel time of at least nine consecutive hours.

Travel time is the time spent in any mode of transportation en route to a destination and/or awaiting immediate connections. This includes the time spent travelling to and from a carrier's terminal.

A suitable rest period shall not be unreasonably denied.

3.4.11 Transportation

The selection of the mode of transportation shall be based on cost, duration, convenience, safety and practicality. In addition to provisions outlined in this section under (a) Commercial, (b) Other modes of transportation and (c) Vehicles, expenses associated with the selected mode of transportation shall be reimbursed based on receipts, indicating the expense currency. Where a receipt is not available, a declaration will suffice. Such expenses include:

- seat selection fee for commercial, private and/or chartered carriers;

- airport improvement fees, not otherwise paid (e.g. prepaid as part of the fare);
- airport departure tax, not otherwise paid;
- miscellaneous charge order, for excess baggage/excess weight for commercial, private and/or chartered carriers (written explanation also required);
- public carrier ticket "change fee" for legitimate authorized official government purposes; and
- legitimate, mandatory transportation service charges and fees, incurred while in travel status, not otherwise paid (e.g. docking fees, road/bridge tolls, ferries and other transportation service charges/fees).

When authorized travel or overtime causes a disruption in the employee's regular commuting pattern, the employee shall be reimbursed actual additional transportation costs incurred between the residence and the workplace.

(a) Commercial

Where commercial transportation is authorized and used, the traveller shall be provided with the necessary prepaid tickets whenever possible.

The standard for air travel is economy class. The lowest available airfares appropriate to particular itineraries shall be sought and bookings shall be made as far in advance as possible.

Where available, business/executive class air travel shall be authorized where continuous air travel exceeds nine hours. Continuous air travel starts at the scheduled departure time, and ends with the arrival at destination or with an overnight stop or layover equivalent to an overnight stop.

The standard for rail travel is the next highest class after the full economy class.

Taxis, shuttles and local transportation services are alternatives for short local trips. Actual expenses, including gratuities, shall be reimbursed, based on receipts.

(b) Other modes of transportation

Occasionally, other modes of transportation not normally used on roadways shall be authorized for use on government travel when these modes of transportation are safe, economical and practical.

Travellers using these other modes of transportation shall be reimbursed at the applicable kilometric rate based on the direct road distances, if available. When there are no road distances, the traveller shall be reimbursed for actual or reasonable distances travelled.

(c) Vehicles

The standard for rental vehicles is mid size. Rental vehicles beyond the standard shall be authorized based upon factors such as, but not limited to, safety, the needs of the traveller and the bulk or weight of goods transported.

The kilometric rates payable for the use of privately owned vehicles driven on authorized government travel are provided in Appendix B. Travellers shall use the most direct, safe and practical road routes and shall claim only for distances necessarily driven on government travel.

Travellers who are driven to or picked up from a public carrier terminal shall be reimbursed the kilometric rate based on the distance to and from the public carrier terminal for each round trip.

In the interests of safe driving, when employee-driven vehicles are authorized, employees shall not normally be expected to drive more than:

- 250 kilometres after having worked a full day;
- 350 kilometres after having worked one-half day; or
- 500 kilometres on any day when the employee has not worked.

Parking charges shall be reimbursed where it is practical and economical to leave a private vehicle at the public carrier's terminal during the period of absence.

For every day on which an employee is authorized to use a private vehicle on government travel, the employee shall be reimbursed the actual costs of parking the vehicle for that period of time.

3.4.12 Weekend travel home

The use of weekend travel home provisions or alternatives does not constitute a break in continuous travel at the same location.

An employee who is in travel status that extends through or beyond a weekend is eligible for weekend travel home provisions provided that the following conditions are met:

- (a) work schedules permit the employee to be absent; and
- (b) appropriate private or public transportation is available and its use is both practical and reasonable.

Provided the employee is in continuous travel status, the employee is entitled to return trips home as per the table below:

Minimum of:
7 weeks = 1 trip
12 weeks = 2 trips
17 weeks = 3 trips
22 weeks = 4 trips

The employee shall be reimbursed, based on receipts, a maximum of the most economical return airfare, the necessary return ground transportation to and from the carrier's terminal, and meals

en route. Meals and incidentals at destination shall not be reimbursed. The accommodation at the duty travel location need not be cancelled.

The most economical return airfare shall be booked more than 14 days in advance with a Saturday night stay over. The employee may schedule actual weekend trips home within the maximum number permitted to meet personal needs.

3.4.13 Weekend travel - alternatives

(a) By the employee

Provided that the employee is not required by the employer to remain at the duty travel location, an employee may choose to spend the weekend at an alternative location. Such arrangements shall be made in consideration of security and diplomatic contexts. To be eligible for reimbursement, the employee shall cancel charges for accommodation (and meals provided on site) at the duty travel location; provide a receipt for alternative commercial accommodation when used; and not return home or to the headquarters area during the weekend.

Reimbursement shall be limited to the cost of maintaining the employee at the duty travel location and shall include the cost of accommodation, meals, incidentals and other expenses.

Arrangements are the personal responsibility of the employee without using the government approved services. The employee assumes personal liability as if the employee were not in travel status.

The use of this provision does not preclude the employee's entitlement to weekend travel home.

(b) By the employee's spouse or a dependant

As an alternative to weekend travel home by the employee, a spouse or a dependant may be authorized to travel to the employee's assigned work location when there is no additional cost to the employer. The airfare and pertinent travel arrangements shall be processed through government suppliers. Ground transportation to and from the public carrier shall be reimbursed. Such arrangements shall be made in consideration of security and diplomatic contexts. Insurance coverage for the spouse/dependant is the responsibility of the employee.

Part IV - Special Travel Circumstances

4.1 Escort Officers

4.1.1 A suitable rest period for employees who are employed as Escort Officers shall be 16 hours for travel time between 8 and 24 hours; for travel time greater than 24 hours, a suitable rest period shall be 24 hours.

Travel time is the time spent in any mode of transportation en route to destination and/or awaiting immediate connections. This includes the time spent travelling to and from a carrier's terminal.

4.2 Ships Officers / Ships Crews

4.2.1 The workplace of employees who are employed as Ships' Officers or Ships' Crews shall be deemed to be a suitable structure, as determined by the employer:

(a) at the location of the home port of their vessels, for employees whose normal duties are performed aboard a vessel; or

(b) at the location where employees normally perform their duties when they are not employed on a vessel.

4.2.2 For any period during which the employer requires the employee to be aboard a self-contained vessel (e.g. a ship, dredge or barge with sleeping and eating facilities), an employee shall be deemed to be within the headquarters area, whether or not the vessel is actually within the headquarters area. In this context, "period" shall mean the extended period during which the employee is assigned to the vessel, and shall not be limited to the actual physical performance of particular tasks during a watch.

4.2.3 When the self-contained vessel itself is outside the actual headquarters area, the employee shall be in travel status whenever required by the employer to leave the vessel and go ashore (except when billeted ashore), and when, during such absence, the employee remains outside the actual headquarters area.

4.2.4 Travel status applies in the circumstances described above when the employee is on sick leave. It does not apply when the employee is on leave of absence. During a period of leave of absence, however, the employee shall be entitled to any appropriate travel provisions contained in the employee's collective agreement, where such provisions are applicable under the circumstances.

4.2.5 Entitlement to accommodation expenses and meal and incidental expense allowances during each period of required absence from the vessel shall be governed by this directive as applicable. Notwithstanding the foregoing, there shall be no entitlements in respect of meals and accommodation while the employee is ashore if appropriate entitlements in such circumstances are provided for in a collective agreement applicable to the employee.

4.2.6 Except as otherwise provided for in a collective agreement, for purposes of weekend travel home, an employee shall be deemed not to be in travel status for the period during which the normal duties of that employee are performed aboard a self-contained vessel.

4.2.7 The provisions concerning emergency or death while away on government travel shall apply to employees who are Ships' Officers, Ships' Crews or other occupational groups and who are serving aboard a vessel while absent from its home port, as if the employees were in travel status.

4.2.8 Over each contiguous three-day period away from home port, employees on board vessels shall be authorized to make up the equivalent of a ten minute phone call home using the equipment available. When satellite communication systems are available and used, the phone calls shall be limited to five minutes.

4.3 Special transportation needs

4.3.1 When a traveller has an aversion -to air travel, the employer shall endeavour to schedule the work so that time will permit the traveller to travel by other means.

Part V - Emergencies, Illnesses, Injuries and Death while in Travel Status

5.1 Death while in travel status

5.1.1 If an employee dies while in travel status, the employer shall authorize the payment of necessary expenses that are additional to those which might have been incurred had the death occurred in the headquarters area. Reimbursement of costs incurred shall be reduced by any amount payable under some other authority. Expenses payable are: (a) at the place where death occurred: ambulance, hearse, embalming/cremation, outside crate/container (but not the cost of a coffin/urn) and any other services or items required by local health laws; and (b) transportation of the remains to the headquarters area or, if desired by the survivors, to another location, up to the cost of transportation to the headquarters area. Costs for an escort over and above the costs included in transporting the remains are payable only when an escort is required by law. 5.1.2 Where the remains are not transported, travel for next-of-kin or a representative of the family to the place of burial shall be reimbursed as though that person were an employee.

5.2 Emergencies, illnesses and injuries while in travel status

5.2.1 Payment for the use of a suitable conveyance, such as an ambulance or taxi, shall be authorized where an employee becomes ill or is injured when, in the opinion of the employer, the employee, or the attending medical practitioner, the nature of the illness or injury requires that the employee be transported to a medical treatment facility, the workplace, the travel-related accommodation, or home.

5.2.2 An employee shall be reimbursed the necessary expenses incurred as a result of illness or accident occurring while in travel status, to the extent that the employer is satisfied the expenses were additional to those which might have been incurred had the employee not been absent from home, and which were not otherwise payable to the employee under an insurance policy, the *Government Employees Compensation Act*, or other authority.

5.2.3 An employee who becomes ill or is injured while outside Canada shall, where practical, be provided with a justifiable, accountable advance when incurring sizeable medical expenses. Such advances would subsequently be repaid to the employer under the employee's private insurance plans, the *Government Employees Compensation Act*, or other authority.

5.2.4 When, in the opinion of the attending physician, an employee's condition resulting from illness or injury warrants the presence of the next-of-kin or a representative of the family, actual and reasonable travel expenses may be reimbursed, as if that person were an employee.

5.2.5 An employee may be authorized to return earlier than scheduled as a result of personal illness or accident, or in the event of emergency situations at home (e.g. serious illness in the opinion of a physician, fire, flood, ice storm).

5.2.6 A trip home under this section shall not be taken into account when establishing the employee's eligibility for weekend travel home.

5.2.7 When a trip home for reasons specified in this section is not warranted, actual and reasonable expenses incurred for long-distance telephone calls home shall be reimbursed.

Ministerial Correspondence Unit Service Standards

For Ministerial Responses

Profile	Correspondent	Service Standard (Days until Due to MINO)
VIP/Stakeholder/General Population	Hot/ Time Sensitive Topic	5
	Brief Acknowledgement Referral to OGD	10
VIP	Federal Gov. Provincial/Territorial Gov. First Nation/Indigenous Org. International Gov.	20
Stakeholder	Municipal Gov. NGOs Regulatory Agencies Unions Scientific Orgs. Academics	25
General Public	Students Constituents Licensing Issue	30
Invitations	Meeting Request Event Invite	10

Executive
Approvals

Standard
Approvals

*Note: Departmental Replies require approximately 25 days and are handled through the department.

PROTOCOL FOR MEMBER OF PARLIAMENT INQUIRIES

To ensure that the Minister's office is aware of requests from Members of Parliament, all requests from elected individuals (i.e., Members of Parliament, Senators, Members of a Provincial/Territorial Legislature, Mayors, or their representatives) are sent to a designated Ministerial staff, via the Departmental Assistant, within 24 hours of contact.

This is done through the completion of a Member of Parliament Inquiry form which provides information on who made a request for information, their contact information, who was contacted, and what was requested.

Once the form is received by the Minister's office, Ministerial staff advise the Department of any required follow up, or if this is an inquiry they would like to address via the Minister's office.



Fisheries and Oceans
Canada

Pêches et Océans
Canada

MEMBER OF PARLIAMENT INQUIRY FORM

All staff are required to report contacts with members of Parliament, Senators or their representatives within 24 hours of contact. Please note all inquiries are to be directed to the Minister's office, via the Departmental Liaison's office, for response. Submissions should only be provided in writing via the completed form.

Date:

Member of Parliament:

Membre du parlement :

Riding:

Circonscription :

Telephone No:

N°. de téléphone :

Subject:

Objet :

DEMANDE DE RENSEIGNEMENTS D'UN MEMBRE DU PARLEMENT

Tout individu qui reçoit une demande d'un membre du parlement, d'un sénateur ou d'un de leurs représentants est prié de le signaler dans un délai de 24 heures. Veuillez prendre note que toutes les demandes de renseignements doivent être acheminées au cabinet du Ministre par l'intermédiaire du Bureau de la liaison ministérielle. Les demandes doivent être présentées par écrit à l'aide du formulaire dûment rempli.

INQUIRY:

QUESTION:

Issue:

Proposed response:

Employee Name:

Nom de l'employé :

Position:

Poste :

Telephone No:

N°. de téléphone :

Sector or Region/Secteur
ou région

Approved by/Approuvé
par :



Fisheries and Oceans
Canada

Pêches et Océans
Canada

TRANSIT IMMEDIATELY TO:

TRANSMETTRE IMMÉDIATEMENT À :

By Employee / Par l'employé

- ☐ Area Director or Regional Director / Directeur de secteur ou directeur régional
- ☐ Regional Director General or Assistant Commissioner / Directeur général régional ou commissaire adjoint

**By Assistant Deputy Minister/Assistant Commissioner /Regional Director General /
Par le sous-ministre adjoint, commissaire adjoint, ou directeur général régional**

- ☐ Deputy Minister's Office / Cabinet du sous-ministre
Via Email to the Executive Advisor to the Deputy Minister/Par courriel au conseiller exécutif de la sous-ministre
- ☐ Departmental Liaison /Liaison ministérielle
Via Email to the Departmental Assistant/ Par courriel à adjoint ministériel

Please note that all requests from Members of Parliament, Senators, Members of a Provincial/Territorial Legislature, or their representatives should be directed to the Minister's office in writing, using the Member of Parliament Inquiry Form, via the Departmental Assistant. Please note that this completed form must be sent within 24 hours of contact with the elected official or their representative. Please note that the Deputy Minister's office should also receive a copy of this form. The Departmental Assistant will advise of any follow up required by the Department.

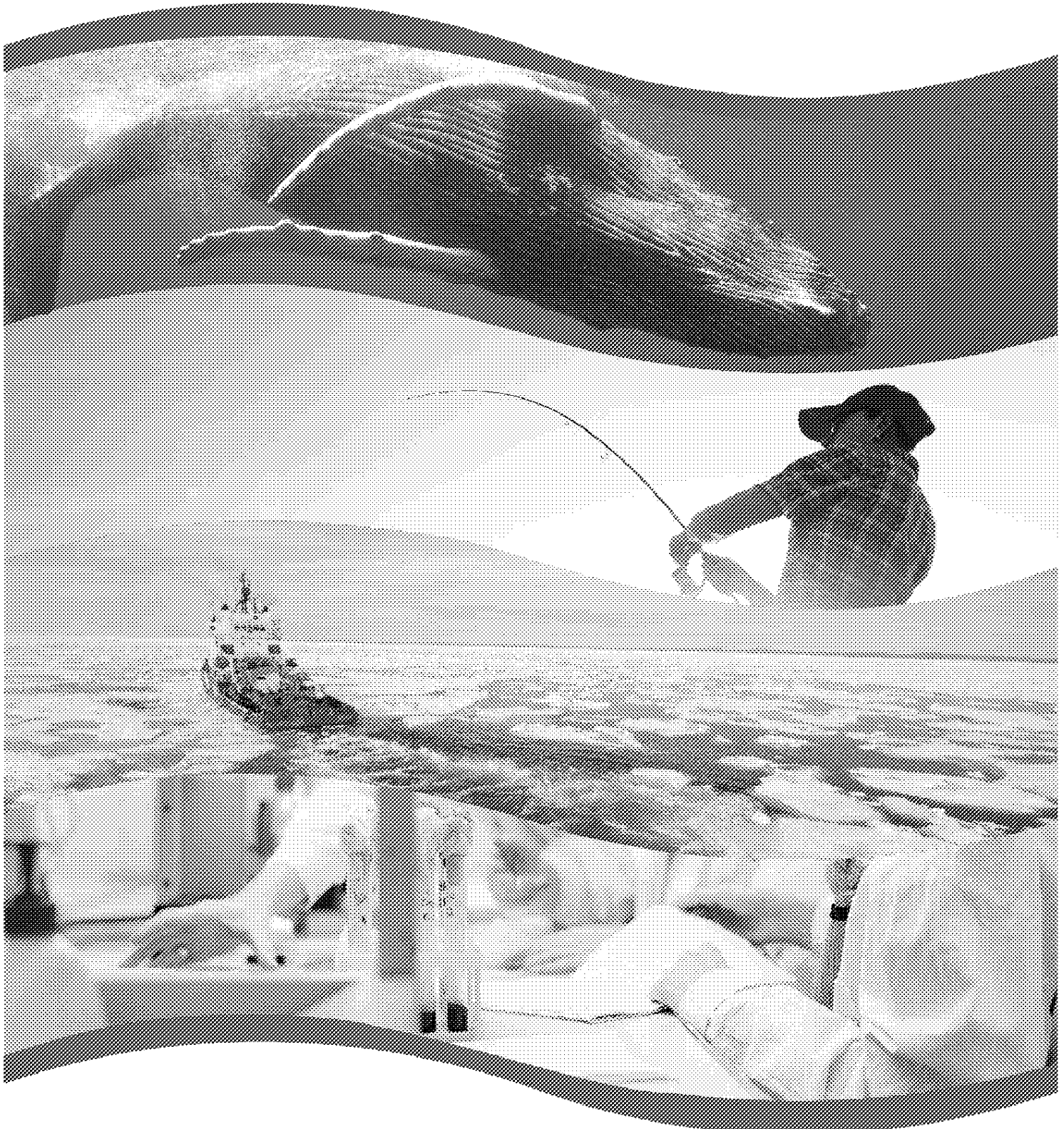
When contacted by an elected official or their representative, Departmental official should record the individual's request, as well as the appropriate contact information. This information should be recorded in the Member of Parliament Inquiry Form, for transmission to the Minister's Office, via the Departmental Assistant. Please note that these forms should be routed through the office of the responsible Assistant Deputy Minister/Assistant Commissioner /Regional Director General. Departmental officials should also inform the elected official or their representative that they will be contacted shortly with regard to their request.

Veillez prendre note que toutes les demandes provenant de députés, de sénateurs, de membres de l'assemblée législative d'une province ou d'un territoire, ou de leurs représentants devraient être adressées par écrit au cabinet du ministre, à l'aide du formulaire, Demande de renseignements d'un membre du Parlement, par l'intermédiaire de l'adjoint ministériel. Veuillez prendre note qu'une fois rempli, ce formulaire doit être acheminé dans les 24 heures suivant le premier contact avec le député ou son représentant. Prenez note que le bureau de la sous-ministre devrait également recevoir un exemplaire de ce formulaire. L'adjoint ministériel vous avisera de tout suivi exigé par le ministère.

Lorsqu'un député ou son représentant communique avec lui, le représentant du ministère doit consigner la demande et les coordonnées de cette personne. Ces renseignements devraient être consignés à l'aide du formulaire, Demande de renseignements d'un membre du Parlement, qui sera transmis au cabinet du ministre, par l'intermédiaire de l'adjoint ministériel. Veuillez prendre note que ces formulaires devraient être acheminés par l'intermédiaire du bureau du sous-ministre adjoint, du commissaire adjoint, ou du directeur général régional responsable. Les représentants du ministère devraient également informer le député ou son représentant qu'on communiquera avec lui sous peu au sujet de sa demande.

Minister of Fisheries, Oceans and the Canadian Coast Guard

Key Contacts, Fast Facts and Media Lines



Key Contact Information

Departmental Office Address:

Centennial Towers
200 Kent Street
15th Floor, Ste. 1526
Ottawa, ON K1A 0E6

General Ministerial e-mail address:

MIN@dfo-mpo.gc.ca

Prime Minister's Office **992-4211**

House of Commons (Lobby) **996-7441**

Key Ministerial Office contacts:

Chief of Staff's Office **943-2458**
(Rm#15N131)

Director of Communications Office **947-4511**
(Rm#15N133)

Ministerial Driver **947-4441**
(Rm#15N116)

Minister's Office Reception **990-8185**

Key Departmental Contacts

Timothy Sargent **993-2200**
Deputy Minister

Jeffery Hutchinson **990-5813**
Commissioner,
Canadian Coast Guard

Maja Kostic **947-4557**
Departmental Assistant

Jody Proctor **993-9226**
Chief of Staff
to the Deputy Minister

Additional Contacts:
Commissionaire's Post **993-5859**

General DFO Info **993-0999**

Platform Commitments

Issue	Commitment
Marine conservation	<ul style="list-style-type: none"> - Conserve and protect 25 per cent of Canada's oceans by 2025, working towards 30 per cent by 2030; and - Advocate for 30 per cent by 2030 goals at international gatherings
Fisheries management	<ul style="list-style-type: none"> - Introduce a "boat-to-plate" traceability program developed in partnership with industry and environmental leaders
Aquaculture	<ul style="list-style-type: none"> - In B.C., work with the province to develop a responsible plan to transition from open net pen salmon farming to closed containment by 2025; and - Introduce an Aquaculture Act
Small craft harbours (SCH)	<ul style="list-style-type: none"> - Increase funding for SCH by \$40 million per year, and work with communities to develop local economic development plans
Climate change and marine pollution	<ul style="list-style-type: none"> - Work with coastal communities, Indigenous communities, and others to better protect fish stocks and marine habitats from climate change
Invasive Species	<ul style="list-style-type: none"> - Move forward with more investments in fighting invasive species
Marine shipping and Coast Guard	<ul style="list-style-type: none"> - Support efforts to convert ships from heavy oil/diesel and work with partners over the next year to design and introduce appropriate programs
Ocean and freshwater science	<ul style="list-style-type: none"> - Move forward with investments in marine science; and - Establish a new Canada Water Agency to keep freshwater safe, clean, and well-managed
Indigenous	<ul style="list-style-type: none"> - Ground conservation work in science, Indigenous stewardship and leadership

Fast Facts:

Canadian Marine Sector

- Marine sectors contributed \$30 billion or 1.5 per cent to Canada's GDP in 2015.
- Fisheries (harvest, processing and aquaculture) contributed \$8.7 billion.
- In 2015 marine industries supported 323,582 jobs (1.8 per cent of employment) throughout Canada's economy.
- The blue/ocean economy estimated economic annual value is \$2.5 trillion. It is the 7th largest economy in the world in terms of GDP, and 90 per cent of world trade is by sea.
- The ocean economy is expected to more than double by 2030.
- The United States is Canada's largest export market for fish and seafood, accounting for 62 per cent of our exports by value, or \$4.3 billion in 2018.
- The Canadian Coast Guard supports Canada's ocean economy by enabling the safe and efficient flow of \$251 billion in marine trade, and the handling of more than 342 million tonnes of critical goods.

- Fish and seafood are among the largest single food commodities exported by Canada.
- Canada's most valuable exports by species in 2018 were lobster (\$2 billion), Atlantic salmon (\$971 million), snow and queen crab (\$886 million), and shrimp (\$468 million).
- In 2018, these species represented almost two-thirds of the total export value and nearly half of the total volume of fish and seafood exports.
- Lobster remains Canada's most valuable export species, worth over \$2 billion in 2018.

Fast Facts: Canadian Fisheries

Commercial Fisheries Statistics, 2017	
Number of registered fishing vessels	17,636
Number of aquaculture establishments	948
Gross Value of Outputs	
Commercial sea and freshwater fisheries landings	\$3.88 B
Aquaculture production	\$1.39 B
Seafood product preparation & packaging revenues	\$6.47 B
Employment	
Commercial fish harvesters and crew	45,578
Aquaculture operations	3,460
Seafood product preparation & packaging	27,998
International Trade	
Value of fish and seafood exports	\$6.92 B
Value of fish and seafood imports	\$3.97 B
Trade balance	\$2.96 B
<i>Recreational Fisheries Statistics</i>	
Number of active adult anglers	3,240,413
Direct expenditures	\$2,54 B
Direct investments	\$2,59 B

Corporate Facts

- DFO has more than 12,000 employees, approximately 6,000 of which are Coast Guard personnel.
- There are over 350 work locations across the country; over 75 per cent of employees work outside the National Capital Region.
- In addition to the National Capital Region, DFO is comprised of seven regions (Pacific; Central; Arctic; Quebec; Newfoundland and Labrador; Gulf; and Maritimes), while the Coast Guard is comprised of four regions (Western; Central; Arctic and Atlantic).
- The Department is managing a 2019-20 budget of approximately \$3.8 billion distributed across the country, and has the second largest asset base of any federal department, valued at \$44.6 billion.
- DFO has one of the largest federal property portfolios, with over 85 per cent of capital budget investments in the Coast Guard fleet, small craft harbours and real property.

- Canadian Coast Guard Search and Rescue resources across Canada include:
 - 3 Joint Rescue Coordination Centres
 - 2 Maritime Rescue Sub-Centres
 - 42 search and rescue stations
 - 26 seasonal in-shore rescue boat stations
 - 1 hovercraft station
 - 1 dive team
- There are approximately 2,000 employees in DFO Science, and 12 National Science facilities across the country.
- A total of 680 fishery officers are stationed in 106 locations across the country.
- DFO manages over 200 fisheries on three coasts.

Scrum Issues – Media Lines

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Indigenous Moderate Livelihood

Issue: Tensions between the Indigenous and non-Indigenous harvesters in southwest Nova Scotia's lobster fishery have existed for some time. In the fall of 2019, the Listiguj (Quebec) and Sipekne'katik (Nova Scotia) First Nations announced intentions to sell lobster under their Treaty Right to a moderate livelihood. These are considered unauthorized fisheries, as neither has an agreement with DFO for a commercial fishery. On October 12, 2019 an Indigenous commercial fishing vessel belonging to Membertou First Nation was set on fire in Cape Breton. Police are investigating.

Media Lines:

- DFO works with Indigenous organizations, industry groups, and individual harvesters to ensure compliance with the *Fisheries Act* and regulations, and for peaceful and orderly fisheries that are accessible to all licence holders.

- We will continue to monitor all unauthorized fisheries, and will work with all harvesters to ensure that the *Fisheries Act* and regulations are followed, and also that Indigenous fishing rights are respected.
- The safety and security of all harvesters is our first priority.

North Atlantic Right Whales

Issue: 2019 is the third year the Government of Canada has implemented specific measures to help protect North Atlantic right whales. The suite of measures is focused on preventing entanglements through targeted closures to snow crab and lobster fisheries. These measures support our compliance with import provisions of the U.S. Marine Mammal Protection Act (MMPA), which aims to reduce marine mammal bycatch in foreign commercial fishing. To maintain access to the U.S. market, all exporting nations must demonstrate that they have a regulatory program in place that meets or exceeds U.S. standards for mitigating harm to marine mammals caused by fishing activity.

Media lines:

- We are committed to taking all necessary actions to help protect North Atlantic right whales from further harm.
- Our fisheries management measures aim to protect endangered whales from harm and at the same time minimize possible market impacts to industry and coastal communities.

- The measures take into account the best available science and input from provincial governments, Indigenous communities, academia, non-governmental organizations and other stakeholders.
- DFO will continue to work cooperatively with Canadian industry and with U.S. counterparts to ensure Canada is able to meet new U.S. import provisions and avoid any potential impact to the sector in this important trade relationship.

Arctic Surf Clam

Issue: In September 2017, the then-Minister (LeBlanc) announced the intention to introduce a fourth licence for Arctic surf clam representing 25 per cent of the total allowable catch for that fishery (the three issues licences at this time were held by Clearwater Seafoods). In February 2018, a new licence was announced for the Five Nations Clam Company. In July 2018, this issuance of a fourth surf clam licence was cancelled. In August 2018, DFO began developing a plan to launch a new expression of interest to engage an independent third party to assess submissions based on criteria that includes specific and significant benefits for Indigenous communities and the proponent's readiness to proceed with the fishery in 2020. On March 11, 2019, Clearwater and 14 First Nations in Nova Scotia and Newfoundland reached a 50-year partnership agreement.

Media Lines:

- DFO remains committed to enhancing access to the Arctic surf clam fishery in a way that broadens the distribution of socioeconomic benefits from this public resource and advancing reconciliation.

- In this respect, DFO will take the time needed to both evaluate the Clearwater proposal and consider options moving forward.

Big Bar Landslide

Issue: DFO was notified of a landslide near Big Bar, British Columbia (B.C.) on June 23, 2019 and investigated this remote area of the Fraser River on June 25. The Big Bar Incident Command Post was set up on June 29 in Lillooet, B.C. with experts and response specialists from the Government of Canada, the Province of B.C. and First Nations.

Media lines:

- Sustained efforts are ongoing to reduce the impact of the landslide on future salmon stocks.
- Restoring natural fish passage in the area, as well as worker and public safety, remain a top priority for DFO.
- In early September, due to the efforts of rock scaling crews to manipulate rock and to the lower water levels at the slide site, salmon achieved some natural fish passage. This means some salmon are swimming through the slide without assistance.
- We are closely tracking the continued migration of the sockeye, Chinook and pink salmon that have been successfully passing the slide.

- Natural fish passage remains the best way to ensure the maximum number of salmon are able to reach their spawning grounds next spring.
- The majority of the salmon run is expected to be completed in October, with smaller numbers continuing to migrate upstream through November and December.

Pacific Salmon

Issue: Significant Chinook salmon harvest reductions were implemented for 2019-20 to conserve endangered and threatened Fraser River Chinook stocks of concern. Numerous B.C. Chinook stocks have been in decline for many years, resulting in significant conservation concerns for both the Chinook stocks and other species that rely on them as a key food source, including Southern Resident killer whales. Some are calling this the worst commercial fishing season in 50 years and are calling on the federal and provincial governments for financial relief.

Media Lines:

- Over the past 50 years, the world's wildlife populations have declined by 60 per cent. In Canada, 521 species have been identified as being at risk. Recent assessments for Chinook salmon from the Fraser River system have found Chinook are also in danger of disappearing from Canada.
- The challenges facing at-risk Fraser River Chinook salmon stocks are multi-faceted. The road to recovery requires a long-term view and the collaboration of all interested parties.

- The fisheries management decisions for Chinook salmon in 2019 were designed to create an environment that will lead to improved salmon populations, and help encourage the return of healthy and abundant salmon runs in the future.

If pressed on calls for financial assistance:

- I will work with my department as well as Employment and Social Development Canada to ensure that they continue to discuss all options to address the economic concerns on the West Coast in relation to the salmon fishery.

Trans Mountain Pipeline (TMX)

Issue: DFO issued a *Fisheries Act* authorization on September 12, 2019, to Trans Mountain Pipeline ULC (the Proponent) for the construction of the Westridge Marine Terminal expansion in Burrard Inlet, B.C., part of the TMX Project. Construction of the terminal expansion will increase the berthing capacity and tanker traffic calling at the terminal from five tankers per month to 34 tankers per month. With this authorization, the Proponent has re-started construction work in the marine area of the Westridge Marine Terminal water lot.

Media Lines:

- Following a rigorous and thorough review of the Proponent's application, DFO issued an authorization under the *Fisheries Act* for work related to the expansion of the Westridge Marine Terminal.
- DFO consulted 33 potentially affected Indigenous groups on the proposed works, undertakings, and activities associated with the Westridge Marine Terminal expansion.

- As part of the authorization, the proponent must adhere to conditions to avoid, mitigate, and offset impacts to fish and fish habitat.
- DFO will conduct monthly on-site inspections at the Westridge Marine Terminal with Indigenous monitors from the Indigenous Advisory and Monitoring Committee to verify compliance with the conditions of the authorization and the *Fisheries Act*.

Ocean Plastic Pollution

Issue: More than eight million metric tons of plastic end up in the world's oceans each year, where they endanger marine life and pollute ecosystems. Abandoned, lost or otherwise discarded fishing gear (sometimes known as ghost gear) is a major contributor to plastic marine debris. DFO is responsible for safeguarding our waters and plays a role in addressing this issue in support of the Government of Canada's broader efforts to tackle plastic pollution (led by Environment and Climate Change Canada).

Media Lines:

- The Government of Canada is committed to working with global partners, industry and communities to find real solutions to reduce plastic pollution in our oceans.
- Canada is taking a leadership role to improve the health and sustainability of our oceans by reducing marine litter and plastic pollution.
- DFO is leading by example. We became the first federal department to put in place a policy to curb the purchase and use of single-use plastics.

- We are also working with the fisheries and aquaculture industry to prevent and remove ghost gear through a new Sustainable Fisheries Solutions and Retrieval Program.
- Through the Innovative Solutions Canada program, we also challenged small businesses across Canada to find innovative ways to prevent plastic waste from entering our aquatic environments, to help clean up our oceans and waterways and to minimize impacts of marine debris and ghost gear.

Indigenous Reconciliation

Issue: DFO recognizes that fisheries, oceans, aquatic habitat and marine waterways are of great social, cultural, spiritual and economic importance to many Indigenous peoples. For this reason, we have a key role in the transformation of the Government of Canada's relationship with Indigenous peoples.

Media Lines:

- The Government of Canada is working with First Nations, Inuit and the Métis Nation towards the development of a Recognition and Implementation of Rights Framework.
- DFO has, in partnership with Indigenous communities, been putting in place relevant programs as part of our commitment to renewing our relationship with Indigenous peoples.
- Our shared goal is to build a future in which Indigenous peoples in Canada set their own aspirations, visions and priorities for the well-being of their communities.

- In June 2019, the modernized *Fisheries Act* received Royal Assent. The Act makes clear that it is meant to uphold the rights of the Indigenous peoples of Canada. Under the revised Act, Indigenous traditional knowledge, when provided, must inform habitat decisions
- DFO has also developed an inward facing, whole-of-department, long-term approach to advancing meaningful reconciliation with Indigenous peoples.

Salmon Mortalities in Newfoundland

Issue: High levels of salmon mortalities occurred at the Northern Harvest aquaculture site in Fortune Bay, Newfoundland. Provincial veterinarians concluded warm water temperatures caused the die-off. Clean-up is the responsibility of the company and during this process organic fish material is being pumped back into the ocean.

Media Lines:

- I understand and share the public's concern about the ongoing clean-up, particularly concerning potential impacts to fish and fish habitat.
- DFO continues to monitor the situation and the company's clean up efforts.
- In Newfoundland and Labrador, aquaculture is a shared responsibility between the federal and provincial governments.

Piscine Orthoreovirus (PRV)

Issue: In February 2019, the Federal Court ordered DFO to review its PRV policy. After a review and analysis of all relevant information, DFO communicated its decision that testing for PRV-1 is not required to the Namgis First Nation and Alexandra Morton, the parties who filed the legal challenge. There is extensive regional media interest in this issue.

Media Lines:

- After thorough consideration and analysis, DFO has determined that testing for PRV-1, a B.C. strain, is not required in order to authorize an introduction or transfer licence.
- This decision is based on the best available current information and science.
- There is active work, further engagement and advice expected, which will inform our approach to managing PRV in the coming months and beyond.
- DFO uses an adaptive management approach to aquaculture. This approach allows for adjustments as new results or information becomes available.

- We believe this is the right decision based on the current information. However, DFO will continue to assess this evolving issue and actively consider new science information as it becomes available.
- In November, Namgis First Nation filed an application for judicial review on the recent PRV decision.

Renewal of the Coast Guard Fleet

Issue: The Government of Canada is investing in up to 18 large ships for the Canadian Coast Guard. The National Shipbuilding Strategy has faced criticism over the years, largely focused on the procurement process and the slow pace of getting large vessels built. Concerns have been raised in the public about the cost of building new ships, the amount of time it takes and the capacity of the current fleet to continue to deliver services until new vessels are built.

Media Lines:

- The new ships will significantly recapitalize the fleet, provide crews with state of the art tools and preserve the world class marine safety regime that Canada enjoys.
- This strengthening of the National Shipbuilding Strategy will help sustain economic growth, keep waterways safe and support the shipping industry.
- The 18 large ships will ensure the Canadian Coast Guard has the tools and equipment they need to do their jobs. These ships will operate in all parts of the country.

- The Coast Guard will continue to deliver services to Canadians who depend on them for essential supplies, science missions and providing mariners with support in the most challenging of environments.

Polar Icebreaker

Issue: The new Polar icebreaker will replace the CCGS *Louis S. St. Laurent* in the Arctic and will serve as the Canadian Coast Guard's flagship and a symbol of Canada's sovereignty in the North. Concerns have been raised in the public environment about the current procurement strategy, expected delivery date and impacts to Coast Guard operations until the new vessel is delivered.

Media Lines:

- The Polar Class icebreaker will be an important asset for the Coast Guard's Arctic program.
- It will strengthen the Coast Guard's ability to: support Arctic science, patrol in increasingly unpredictable ice conditions, support Arctic communities, and protect Canada's sovereignty and national interests in the Arctic.
- Coast Guard is working with Public Services and Procurement Canada to explore procurement options to expedite delivery of the Polar icebreaker.
- The delivery date for the Polar icebreaker will be identified as the project gets underway.
- The current budget for the Polar icebreaker is \$1.3 billion.

Program Icebreakers/ Third Shipyard

Issue: The Government of Canada is investing in six program icebreakers for the Canadian Coast Guard. Additionally, Canada has launched a competitive process to add a third Canadian shipyard as a strategic partner under the National Shipbuilding Strategy. This new shipyard, which has yet to be selected, will build the new program icebreakers for the Coast Guard.

Media Lines:

- The Government of Canada is investing in the construction of six new program icebreakers to renew the Coast Guard's fleet of icebreakers.
- The new program icebreakers will ensure the Coast Guard has the vessels needed to continue to provide critical icebreaking services that Canadians rely on.
- This includes ensuring marine safety, supporting the shipping industry with the flow of goods on our waters and resupplying northern communities.

- The program icebreakers will provide icebreaking capacity in Atlantic Canada, the St. Lawrence waterways, the Great Lakes region, as well as the Arctic, to ensure that Canada's maritime economy remains open for business year-round and to meet overall increasing demands for icebreaking services.
- Specific delivery dates for the new vessels will be negotiated once a shipyard has been selected.
- The cost of the vessels will be determined following contract negotiations with the selected shipyard.

Marine Conservation Targets

Issue: At the 2010 Conference of the Parties to the Convention on Biological Diversity in Aichi, Japan, the Government of Canada agreed to meet 20 global biodiversity targets by 2020. Aichi Target 11 stated that by 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance to biodiversity and ecosystem services, would be protected.

Media Lines:

- Nearly 14 per cent of Canada's marine and coastal areas has been protected – exceeding our target of protecting 10 per cent of Canada's marine and coastal areas by 2020.
- Marine conservation plays an important role in ensuring our oceans are healthy and sustainable for the benefit of Canadians.
- The Government of Canada has worked closely with its provincial and territorial partners, Indigenous communities and marine industries to achieve a balance between protecting marine ecosystems and maintaining a prosperous economy.

- We will continue to work with our international and domestic partners to on the best way forward.

Standards for Marine Protected Areas

Issue: In April 2019, DFO announced new protection standards for marine protected areas based on the final report from the National Advisory Panel on Marine Protected Area (MPA) Standards. The report outlines 13 recommendations that address the themes of Collaborative Planning and Design, Crown-Indigenous Relations, Protection Standards and Marine Spatial Planning. The Panel's recommendations were informed by standards and guidelines from the International Union for the Conservation of Nature, reports from the Standing Committee on Fisheries and Oceans and the views of Canadians.

Media Lines:

- Marine conservation plays an important role in ensuring our oceans are healthy and sustainable for the benefit of Canadians.
- The Government of Canada adopted new standards to enhance protection in federal MPAs.

- This approach leads to healthier oceans, supports more consistent decision-making and provides greater clarity and predictability for our partners and stakeholders.
- These protection standards are consistent with the recommendations we received from the National Advisory Panel on MPA Standards and with international guidance on marine protection.
- All new federal marine protected areas prohibit oil and gas exploration and exploitation, mining, dumping and bottom trawling.

Eastern Shore Islands Area of Interest

Issue: The Eastern Shore Islands Area of Interest (AOI) was announced in March 2018. The area was selected as an AOI due to its high conservation value and feasibility considerations, including the extensive terrestrial protected areas, ongoing salmon conservation efforts and the local interest in expanding upon nature-based tourism and industry-led research and monitoring.

Over the past few years, there has been mixed media coverage of marine protected areas (MPAs) in Nova Scotia. Since the announcement of this AOI, there has been growing vocal opposition for an Eastern Shore Islands MPA.

Media Lines:

- The Eastern Shore is a remarkable coastal ecosystem that deserves proactive management attention. We want residents who earn their livelihood from the water, and have the knowledge of this area, to have a strong say in the future of these waters.

- In August 2019, the Government of Canada committed to ensuring that the voices of all parties are heard when considering conservation of this area; this includes several new measures that will bolster community engagement, including appointing a community facilitator.
- DFO has completed an initial draft of the ecological risk assessment for the Eastern Shore. The results of this assessment will be the subject of discussion with local stakeholders and other partners before they are finalized. One key finding in the assessment is that lobster harvesting in the Eastern Shore is fully compatible with a MPA, should one be established.



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